

REGULAR MEETING  
JANUARY 14, 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 14<sup>th</sup> day of January 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  
Ralph H. Hall, Highway Superintendent  
Elizabeth B. Jones, Clerk  
Aimee L. Murphy, Deputy Clerk/Court Clerk

Attended by: Approximately 6 people

Supervisor Keys called the meeting to order at 5:22 p.m. with the Pledge to the Flag.

**RESOLUTION NO. 1 OF 2013  
APPROVAL OF MINUTES**

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 minutes of the December 10, 2012 meeting be approved.

**COUNCIL MEMBER REPORTS**

Councilman Becker and Councilman M. Bush questioned the status of the litigation with AIS and Paul Lyndaker. Supervisor Keys stated the Board has done its part up to this point and has not heard whether the Judge and Mr. Lyndaker have signed the paperwork.

Councilman M. Bush reported that the audit of the 2012 books for the Town Clerk, Tax Collectors and Justices was completed and he was impressed with the record keeping. Additional records from the Supervisor are needed to complete the Supervisor's audit and will finish and report on it at our February meeting. Adoption of all audit reports will be done at our February meeting.

Councilwoman Sauer reported receiving a \$6,000 grant check from Iroquois Gas to help cover the cost of the proposed Fit Trail. With the grant money collected thus far she feels we have enough money to cover the project. She is also checking with Kinney Drugs about a possible donation.

**RESOLUTION NO. 2 OF 2013  
TOWN CLERK'S MONTHLY AND ANNUAL 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 Town Clerk's monthly and annual reports are approved as submitted.

\*Copies of annual reports are incorporated at the end of these minute proceedings.

(Regular Meeting of January 14, 2013 con't.)

**RESOLUTION NO. 3 OF 2013  
TAX COLLECTOR'S ANNUAL 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 Tax Collector's annual report for 2012 is approved as submitted. A balance of \$5.00 in Check Book to keep account active. See minutes of June 1, 2001 for Resolution.

\*Copies of annual reports are incorporated at the end of these minute proceedings.

**RESOLUTION NO. 4 OF 2013  
COUNTY SNOW AND ICE CONTROL AGREEMENT**

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

Whereas the Board of Legislators of Lewis County adopted Resolution #479 in November of 2012 designating the improved roads of the County Road System of the County from which snow and ice should be removed there from, and

Whereas the County Superintendent of Highways was authorized to enter into agreement with the Towns for the aforementioned purpose during the fiscal year of 2013 at the rates as specified in the Agreement, now therefore, be it

Resolved that the Town Superintendent of Highways of the Town of New Bremen, Lewis County be and hereby is authorized and directed to enter into agreement with the County of Lewis to remove snow and ice from the improved County Road System as shown on the agreement filed in the Clerk's office.

**HIGHWAY SUPERINTENDENT**

Superintendent Hall asked the Board for permission to purchase a new pickup truck and sell the 2009 pickup while it is still worth something. After discussion the following resolution was presented.

**RESOLUTION NO. 5 OF 2013  
PURCHASE OF NEW 2013 FORD F-150 4X2 PICK-UP TRUCK**

On a motion of Councilman Becker, seconded by Councilman M. Bush, the following resolution was  
ADOPTED Ayes 4 Becker, M. Bush R. Bush, Keys Nays 1 Sauer

Be It Resolved that Ralph H. Hall, Highway Superintendent of the Town of New Bremen is authorized to purchase Award 22539/PC65855, 2013 4x2 Ford F-150 Regular Cab Long Box Pick-Up Truck at the price of \$17,538.78 as per State Contract from Van Bortel Ford, Rochester, New York. Following are the specs included:

Standard Equipment Package (includes 3.55 Limited Slip Axle)  
Ingot Silver Metallic  
XL Power Group  
Trailer Towing Package

(Regular Meeting of January 14, 2013 con't.)

**RESOLUTION NO. 6 OF 2013  
JUSTICES MONTHLY & ANNUAL 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 and annual reports are approved as submitted.

\*Copies of annual reports are incorporated at the end of these minute proceedings.

**COUNTY UPDATE**

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

**FUND BALANCE POLICY**

Attorney Farley drafted a proposed Fund Balance Policy for the Boards review. Supervisor Keys asked all Board members to review and will look to adopt at our February meeting.

**EMPLOYMENT & LIABILITY GUIDELINES**

Supervisor Keys submitted copies to the Board to review and discuss changes at our February meeting.

**RESOLUTION NO. 7 OF 2013  
INVESTMENT POLICY**

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

Whereas this Town Board of the Town of New Bremen determines the need for a written investment policy, now therefore be it

Resolved that the Town Board of the Town of New Bremen does authorize the Supervisor to invest idle and surplus cash in interest bearing accounts and certificates of deposit in institutions recognized by the State of New York for such purposes. The Supervisor is further directed to invest with safety, liquidity and yield as his primary concern. An accounting of such investments shall be presented to the Town Board at their regular monthly meetings, and be it further

Resolved that all such institutions where Town of New Bremen moneys are held in account shall provide the Town of New Bremen with sufficient collateral to guarantee and protect all accounts held therein. Single custodial agreements shall be acceptable to the Town.

**RESOLUTION NO. 8 OF 2013  
CODE OF ETHICS**

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

Whereas this Town Board of the Town of New Bremen reviewed the Code of Ethics (local law passed January 1, 1970) and determined no changes were needed.

## **PROCUREMENT POLICY**

Discussed increasing sec. 4 of the Procurement Policy to \$20,000.00 per Laird Petrie of the State Comptroller's Office.

### **RESOLUTION NO. 9 OF 2013 PROCUREMENT POLICY & PROCEDURE**

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

This resolution sets forth the policies and procedures for the Town of New Bremen to meet the requirements of the General Municipal Law, Section 104-b.

Whereas; Chapter 413, Section 104-b of the General Municipal Law of the State of New York, enacted in 1991, requires the governing board of each political subdivision to adopt written internal policies and procedures governing all procurement of goods and services not required by law to be made pursuant to competitive bidding requirements, therefore be it

Resolved;

1. Any town officer may purchase goods and/or services needed by his/her department up to the amount of \$2,500.00 providing there is sufficient money available in the appropriation to which the purchase will be charged.
2. Any town officer wishing to purchase goods and/or services in excess of \$2,500.00, but less than \$5,000.00 shall use his/her best judgment in selecting a vendor.
3. Any town officer wishing to purchase goods and/or services in excess of \$5,000.00, but less than \$19,999.99 shall secure quotes from three (3) prospective vendors and shall note the date, amount quoted and the person contacted. The exception to this requirement will be when only one (1) source of supply is available. Town Officers needing consent of the Town Board before proceeding.
4. All goods and/or services in excess of \$20,000.00 shall be subject to competitive bidding requirements unless purchased through New York State Office of General Services Contracts.
5. Exceptions to this policy are postage, license and filing fees, mileage and other reimbursable expenses, professional services and emergency situations in which conditions such as natural or manmade disasters demand immediate procurement of goods by the officer directly involved and submitted to the Town Board as soon as possible after the emergency has passed.
6. Before any purchase or lease is made the officer shall check with the Chief Fiscal Officer to insure budget line item authority and sufficient budget balance is available to cover the purchase. If sufficient funds are not available, a request for transfer of funds, if available, into that appropriation account shall be made to the Town Board.
7. Unintentional failure to fully comply with the provisions of Section 104-b of the General Municipal Law shall not be grounds to void action taken or give rise to cause for action against the Town of New Bremen or any officer or employee thereof.

This policy shall be reviewed annually by this board.

**POP 125**

Supervisor Keys stated the POP 125 insurance deduction is approved and in effect. This allows the town to deduct the employee's insurance payment before taxes.

**RESOLUTION NO. 10 OF 2013  
SUPERVISOR'S MONTHLY REPORT**

On a motion of Councilwoman Sauer, seconded by Councilman R. Bush, 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.

Councilman M. Bush asked Supervisor Keys to change his monthly report to include beginning and ending balances. Supervisor Keys will provide a more adequate report.

Supervisor Keys did not have an adequate annual report for 2012. Will have for February's meeting.

**RESOLUTION NO. 11 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 #1 of 2013 in the following amounts.

General	Voucher #1 thru #17	\$23,692.86
Highway T-Wide	Voucher #1 thru #17	\$11,802.15
Highway T-Outside	Voucher #1 thru #2	\$6,431.97

**RESOLUTION NO. 12 OF 2013  
APPOINTMENTS FOR 2013**

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 the following appointments are set as follows:

Assessor's Part-Time Assistant/Data Collector - Carroll Owens - 1/14/13 to 12/31/13  
Court Clerk - Aimee L. Murphy - 1/14/13 to 12/31/13  
Dog Control Officer - Lindsay I. Burriss - 1/14/13 to 12/31/13  
Deputy Dog Control Officer - Roger Burriss - 1/14/13 to 12/31/13  
Health Officer - Sean Harney - 1/14/13 to 12/31/16

No Historian appointment at this time. Supervisor Keys will contact Mitch Fidler to see if he is interested.

(Regular Meeting of January 14, 2013 con't.)

**RESOLUTION NO. 13 OF 2013  
ZONING BOARD OF APPEALS APPOINTMENT**

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

Resolved that Wayne Birchenough is hereby reappointed to serve on the Zoning Board of Appeals. Terms of Office as follows to reflect a 3 yr. term. Terms of office as follows:

Wayne Birchenough – January 14, 2013 to December 31, 2015

Mark Lehman – March 12, 2012 to December 31, 2014

Dale Moser – March 12, 2012 to December 31, 2013

**PLANNING BOARD**

Eugene Aucter declined his appointment to the Planning Board. There are currently two vacancies.

**RESOLUTION NO. 14 OF 2013  
DELEGATION OF AUTHORITY - GAMES OF CHANCE**

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

Whereas the Town of New Bremen pursuant to Part 5600 of the rules and regulations of Games of Chance, must appoint a Licensing Officer and Chief Law Enforcement Officer for Games of Chance, therefore be it,

Resolved that Elizabeth B. Jones, Town Clerk is hereby appointed Licensing Officer to review applications, findings, determinations and supplemental papers in regard to issuing licenses, collecting and transmitting fees. Chief Law Enforcement Officer, Michael Carpinelli, Sheriff of Lewis County, will investigate complaints, conduct hearings and supervise the operation of Games of Chance. Appointments effective January 14, 2013 thru December 31, 2013

**RESOLUTION NO. 15 OF 2013  
MEETING DATES, TIME & PLACE SET**

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

Resolved the regular Town Board Meetings will be held on the second Monday of the Month at 6:00 p.m. at the Town Municipal Office Building.

**RESOLUTION NO. 16 OF 2013  
MILEAGE REIMBURSEMENT RATE**

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 mileage reimbursement rate will be the same rate as the federal/state government, which is currently 56.5 cents per mile.

(Regular Meeting of January 14, 2013 con't.)

**RESOLUTION NO. 17 OF 2013  
BANK DESIGNATION**

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

Resolved the Bank Designation will be Key Bank in Croghan.

**RESOLUTION NO. 18 OF 2013  
OFFICIAL NEWSPAPER**

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

Resolved the Official Newspaper will be the Journal & Republican.

**RESOLUTION NO. 19 OF 2013  
POLLING PLACE DESIGNATION**

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 the Town of New Bremen Municipal Office Building is hereby designated as the polling place for District #1 and #2 for the Town of New Bremen for the 2013 year.

**RESOLUTION NO. 20 OF 2013  
SPECIAL DISTRICTS AND SERVICES**

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 Supervisor Keys is authorized and directed to pay amounts as specified below, to the Special Districts and Services, as money becomes available thru taxation.

Beaver Falls Fire District - \$ 11,465.00	New Bremen Fire District - \$58,867.00
New Bremen Fire Protection - \$16,275.00	New Bremen Light District - \$4,100.00
Croghan Fire Dept. Ambulance Service - \$8,800.00	Beaver Falls Light District - \$6,700.00
Beaver Falls Fire Dept. Ambulance Service - \$8,000.00	

**RESOLUTION NO. 21 OF 2013  
TOWN SALARIES SET**

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

Resolved the salaries of the Town Officers and appointees be set as indicated below, and paid in the manner stipulated. After each salary the payment schedule and expiration date of office follows:

(Regular Meeting of January 14, 2013 con't.)

Supervisor	Peter J. Keys	\$10,000.00	Monthly	12/31/13
Town Clerk	Elizabeth B. Jones	20,500.00	Monthly	12/31/13
Justice	Charles W. Stevens	8,000.00	Monthly	12/31/13
Justice	Errol A. Aucter	8,000.00	Monthly	12/31/15
Highway Supt.	Ralph H. Hall	42,000.00	Monthly	12/31/13
Councilman	David L. Becker	2,500.00	Quarterly	12/31/13
Councilman	Matthew E. Bush	2,500.00	Quarterly	12/31/15
Councilman	Ralph L. Bush	2,500.00	Quarterly	12/31/13
Councilwoman	Susan J. Sauer	2,500.00	Quarterly	12/31/15
Assessor	Erin C. Gratch	17,500.00	Monthly	09/31/13
Tax Collector	Elizabeth B. Jones	4,500.00	March & June	12/31/13
Health Officer	Sean Harney	400.00	Annual	12/31/16
Registrar	Elizabeth B. Jones	600.00	Annual	12/31/13
Dog Control Officer	Lindsay I. Burriss	2,000.00	Monthly	12/31/13
Assessor's PT Asst/Data C.	Carroll E. Owens	12.00 hr.	Monthly	12/31/13
Court Clerk	Aimee L. Murphy	12.00 hr.	Monthly	12/31/13
Deputy Town Clerk	Aimee L. Murphy	12.00 hr.	Monthly	12/31/13

The next meeting of the Town Board of the Town of New Bremen will be held on February 11, 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 6:53 p.m. Carried unanimously.

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Elizabeth B. Jones, RMC  
Town Clerk/Tax Collector