

REGULAR MEETING
JANUARY 13, 2014

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 13th day of January 2014.

Town Officer's Present: Peter J. Keys, Supervisor
David L. Becker, Councilman
Susan J. Sauer, Councilwoman
Joseph E. Aucter, Councilman
Jonathan M. Bush, Highway Superintendent
Elizabeth B. Jones, Clerk
Errol A. Aucter, Justice

Attended by: Approximately 8 people

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

RESOLUTION NO. 15 OF 2014
APPROVAL OF MINUTES

On a motion of Councilman Becker, seconded by Councilwoman Sauer, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, the minutes of the December 9, 2013 meeting be approved.

ASSESSOR

Assessor Ball asked the Board for permission to purchase a laptop. He submitted two (2) quotes to Supervisor Keys in December. After discussion the following resolution was presented.

RESOLUTION NO. 16 OF 2014
APPROVAL OF PURCHASE

On a motion of Councilman Aucter, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, that Assessor Ball is authorized to purchase a new laptop from Staples.

DATA COLLECTOR/ASSISTANT

Assessor Ball asked the Board for a Part Time Assistant/Data Collector. Assessor Ball recommended that the Board review and consider a resume submitted by Robert W. Pinkham. After questions of qualifications were answered and discussion by the Board, the following resolution was presented.

(Regular Meeting of January 13, 2014 con't.)

**RESOLUTION NO. 17 OF 2014
APPOINTMENT OF PART-TIME ASSISTANT/DATA COLLECTOR**

On a motion of Councilwoman Sauer, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, that Robert W. Pinkham is hereby appointed as Part-Time Assistant/Data Collector effective 1/13/14 through 12/31/14.

GRIEVANCE DAY

Assessor Ball asked the Board to consider adopting a Local Law to establish a date for Grievance Day to the 2nd Thursday after the fourth Tuesday in May; due to his being Assessor for several Townships, it creates a conflict with having Grievance Day at the same time. Clerk Jones will contact Attorney Farley about drafting the local law.

Assessor Ball and Mr. Pinkham left the meeting.

**RESOLUTION NO. 18 OF 2014
SET PUBLIC HEARING DATE FOR LOCAL LAW**

On a motion of Councilwoman Sauer, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, that a Public Hearing be set for February 10, 2014 at 6 p.m. at the Town Municipal Office Building to consider the adoption of a proposed local law to establish a date for Grievance Day to the 2nd Thursday after the fourth Tuesday in May.

BAR MEMBER

Brian Smith, member of the Board of Assessment Review, has a conflict with Assessor Ball's request to change Grievance Day and felt that "not contacting" the members of the BAR of the change was unprofessional and that he should have asked them for their opinion. Mr. Smith spoke with Assessor Ball pertaining to the change of date, outside the meeting and Mr. Ball told him he would consider a different date and would contact him.

COUNCIL MEMBER REPORTS

Councilman Becker reviewed the following policies and had no suggestions of changes to be made. After discussion the following resolutions were presented.

**RESOLUTION NO. 19 OF 2014
CODE OF ETHICS**

On a motion of Councilman Aucter, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

WHEREAS, be it enacted by the Town Board of the Town of New Bremen as follows:

Section 1. Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of New Bremen recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this local law to promulgate these rules of ethical conduct for the officers and employees of the Town of New Bremen. These rules shall serve as a guide for official conduct of the officers and employees of the Town of New Bremen. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. (a) "Municipal Office or Employee" means an officer or employee of the Town of New Bremen whether paid or unpaid, including members of any administrative board, commission, or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

(b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

Section 3. Standards of Conduct - Every officer or employee of the Town of New Bremen shall be subject to and abide by the following standards of conduct:

(a) Gifts - He/She shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of \$25.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her official duties, or was intended as a reward for any official action on his/her part.

(b) Confidential Information - He/She shall not disclose confidential information acquired by him in the course of his/her official duties or use such information to further his/her personal interest.

(c) Representation Before One's Own Agency - He/She shall not receive, or enter into any agreement, express or imply, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

(d) Representation Before Any Agency for a Contingent Fee - He/She shall not receive, or enter into any agreement, express or imply for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependant or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(e) Disclosure of Interest in Legislation - To the extent that he/she knows thereof a member of the Town Board and any officer or employee of the Town of New Bremen whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

(f) Investments in Conflict With Official Duties - He/She shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which created a conflict with his official duties.

(g) Private Employment – He/She shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests, when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

(h) Future Employment – He/She shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of New Bremen in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment which was under his/her active consideration.

Section 4. Nothing herein shall be deemed to bar or prevent the timely filing, be a present or former municipal officer or employee of any claim, account demand or suit against the Town of New Bremen or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5. Distribution of Code of Ethics – The Supervisor of the Town of New Bremen shall cause a copy of this code of ethics to be distributed to every officer and employee of the Town of New Bremen within 30 days after the effective date of this local law. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment.

Section 6. Penalties – In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 7. Effective date – This local law shall take effect 30 days after it is filed as provided in Section 27 of Municipal Home Rule Law.

This policy shall be reviewed annually by this board.

**RESOLUTION NO. 20 OF 2014
PROCUREMENT POLICY & PROCEDURE**

On a motion of Councilman Becker, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, 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.

**RESOLUTION NO. 22 OF 2014
FUND BALANCE POLICY**

On a motion of Councilman Becker, seconded by Councilwoman Sauer, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

WHEREAS, the Governmental Accounting Standards Board (GASB) has adopted Statement Number 54 (GASB 54), Fund Balance Reporting and Governmental Fund Type Definitions, that became effective in governmental fiscal years starting after June 15, 2010; and

Now, Therefore Be It Resolved that the Town Board hereby adopts the following policy:

I. STATEMENT OF POLICY

The Town of New Bremen ("Town") is required to be in compliance with Governmental Accounting Standard Board Statement 54 (GASB 54), *Fund Balance Reporting and Governmental Fund Type Definitions*, for all fiscal years beginning after June 15, 2010. Implementation of Statement 54 has provided an opportunity for the Town to define a minimum fund balance level for the Town's General and Special Revenue Funds.

Purpose of Policy:

The purpose of this Policy is to establish a fund balance policy to address the needs of the Town and establish adequate reserves to protect against unanticipated events that would otherwise adversely affect the financial condition of the Town and jeopardize the continuation of necessary public services. This policy will ensure the Town maintains adequate fund balance and reserves in the Town's General Fund to provide the capacity to:

- Ensure sufficient cash flow for daily financial requirements;
- Guard against significant economic downturns;
- Protect against unforeseen expenditures related to emergencies; and
- Maintain investment grade bond ratings;
- Provide a framework to help guide budgetary decisions.

II. CLASSIFICATIONS

- A. **Nonspendable.** Amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.
- B. **Restricted:** Amounts that have constraints on resources that are (a) externally imposed by creditors (debt covenants), grantors, contributors, or regulations of other governments or (b) imposed by law through constitutional provisions or enabling legislation.
- C. **Committed:** Amounts used for a specific purpose pursuant to constraints imposed by formal action of the Town's highest level of decision-making authority.
 - Amounts set aside based on self-imposed limitations established and set in place prior to the year end, but can be calculated after year end.
 - Required to be imposed by the Town Board only by adoption of a resolution or ordinance and requires the same action to remove or modify the limitation.

- D. **Assigned:** Amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed. Intent should be expressed by either the governing body itself or a body or official to which the governing body has delegated authority to assign amounts to be used for specific purposes.
- E. **Unassigned:** Amounts that are not reported in any other classification. The General Fund is the only fund that will have a positive unassigned fund balance.

III. **PROCEDURES**

Fund Balance - General Fund and Special Revenue Funds

- A. A significant part of the Town's financial health is maintaining a fund balance position that is adequate to meet the Town's needs and challenges on both a current and long-term basis. The Town of New Bremen has therefore adopted a policy that directs management to maintain fund balance as follows:
- The Town will strive to maintain a Contingency Reserve balance in the General Fund and all Special Revenue Funds of 15% of budgeted appropriations. Balances in excess of 20% of all budgeted appropriations will be transferred to the Capital Reserve Funds.
 - Balances failing to exceed 7.49% will require the Town Supervisor and Town Board to adopt a plan to replenish the Contingency Reserve to the minimum level over a period not to exceed three (3) years.
 - This designation of funds will be included as assigned fund balance for financial statement purposes.
- B. After covering current and budget year operating and capital costs and meeting General Fund Contingency requirements, any remaining available fund balance may be used for the following purposes:
- Capital and technology improvements;
 - Reduction of unfunded liabilities, including Retirement and Retiree Health obligations;
 - Debt retirement;
 - Cost avoidance projects;
 - Other non-recurring needs, in accordance with Board Budget Policies.

Order of Spending

The Town's budget provides for programs with multiple revenue sources. For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first, followed in order by committed fund balance, assigned fund balance, and lastly unassigned fund balance. The Supervisor has the authority to deviate from this policy if it is in the best interest of the Town.

This policy shall be reviewed annually by this board.

AUDITS

Councilwoman Sauer stated they finished auditing the Supervisor's records and plan to complete the audit of the Clerk and Justices records next week.

(Regular Meeting of January 13, 2014 con't.)

**RESOLUTION NO. 23 OF 2014
TOWN CLERK'S MONTHLY & ANNUAL REPORTS**

On a motion of Councilman Aucter, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, the Town Clerk's monthly and annual reports are approved as submitted.

*Copy of annual report is incorporated at the end of these minute proceedings.

**RESOLUTION NO. 24 OF 2014
TAX COLLECTOR'S ANNUAL REPORT**

On a motion of Councilman Aucter, seconded by Councilwoman Sauer, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, the Tax Collector's annual report for 2013 is approved as submitted.

*Copy of annual report is incorporated at the end of these minute proceedings.

HIGHWAY SUPERINTENDENT

Highway Superintendent Bush stated that Chris Adams will represent the highway department on the committee to review the Employment & Liability Guidelines. The committee will consist of Councilman Aucter, Councilwoman Sauer, Highway Superintendent Bush and Chris Adams.

Mr. Bush discussed replacing the 1980 sander, which has a hole in the floorboard and is not sure that it would be cost effective to continue repairing it, and the older pickup, with a larger four wheel drive crew cab pickup truck with a plow to clean up small drifts without having to call the whole crew out. It would also be used for cold patching and hauling the chipper. Supervisor Keys suggested that he obtain more information and quotes for the next meeting.

**RESOLUTION NO. 25 OF 2014
JUSTICES MONTHLY REPORTS**

On a motion of Councilman Aucter, seconded by Councilwoman Sauer, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, the Justices monthly reports are approved as submitted.

**RESOLUTION NO. 26 OF 2014
JUSTICES ANNUAL REPORTS**

On a motion of Councilman Becker, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, the Justices annual reports are approved as submitted.

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

(Regular Meeting of January 13, 2014 con't.)

**RESOLUTION NO. 27 OF 2014
HISTORIAN'S ANNUAL REPORT**

On a motion of Councilman Aucter, seconded by Councilwoman Sauer, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, the Historian's annual report is approved as submitted.

*Copy of annual report is incorporated at the end of these minute proceedings.

OFFICE CLOSURE

Supervisor Keys asked if there is or should be a policy in place for office closure due to inclement weather. It was discussed and agreed upon that it is up to the discretion of the individual department heads.

**RESOLUTION NO. 28 OF 2014
SUPERVISOR'S MONTHLY/ANNUAL REPORT**

On a motion of Councilman Becker, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, the Supervisor's monthly/annual report is approved as submitted.

**RESOLUTION NO. 29 OF 2014
AUDIT OF CLAIMS**

On a motion of Councilman Becker, seconded by Councilwoman Sauer, the following resolution was
ADOPTED Ayes 4 Becker, Sauer, Aucter, Keys Nays 0

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #1 of 2014 in the following amounts.

General	Voucher #1 thru #17	\$23,428.22
Highway T-Wide	Voucher #1 thru #14	\$10,646.87
Highway T-Outside	Voucher #1 thru #1	\$470.50

**RESOLUTION NO. 30 OF 2014
APPROVAL FOR PAYMENT OF BILLS PRIOR TO AUDIT**

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

RESOLVED, Supervisor Keys has permission to pay certain utility bills (ex: health insurance, communications, electric and natural gas) prior to audit to avoid late fee charges.

MILEAGE CHART

Councilwoman Sauer submitted a couple sample mileage charts. Will discuss further at the next board meeting.

(Regular Meeting of January 13, 2014 con't.)

The next meeting of the Town Board of the Town of New Bremen will be held on February 10, 2014 at 6:00 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Becker, seconded by Councilwoman Sauer, the meeting was adjourned at 7:15 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector