

REGULAR MEETING

July 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 July 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, Justice
Aimee L. Murphy, Deputy Clerk/Court Clerk
Erin C. Gratch, Assessor

Attended by: Approximately 23 people

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

**RESOLUTION NO. 80 OF 2013
APPROVAL OF MINUTES**

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 minutes of the June 10, 2013 meeting are approved.

OPEN PUBLIC HEARING

Supervisor Keys hereby opened the Public Hearing at 6:04 p.m. to consider the granting of a variance for a 25' set back for a new manufactured home to be located on a parcel owned by Robert J. Turck, Jr. on Tax Parcel No. 179.02-01-14.000. Proof of publication in the J & R noted.

CLOSE OF PUBLIC HEARING

All questions by the public were answered. Therefore, the public hearing was hereby closed at 6:06 p.m. by Supervisor Keys. After review and discussion the Board presented the following resolution.

**RESOLUTION NO. 81 OF 2013
GRANTING OF VARIANCE**

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 Robert J. Turck, Jr. submitted a request for a 25' set back variance on his property, Tax Map #179.02-01-14.000, located at 8317 State Rte. 812, Town of New Bremen, NY, and

Whereas the Town Board of the Town of New Bremen did hold a public hearing to consider such variance and now therefore be it

(Regular Meeting of July 8, 2013 con't.)

Resolved that the Town Board of the Town of New Bremen hereby grants a variance for the aforementioned property and the Clerk is to forward the approved application to Zoning Officer, Ward Dailey for his completion.

SITE PLAN REVIEW

Vincent Purpura explained his plans for his “proposed” metal recycling facility to be located at 8409 State Rte. 812, Town of New Bremen, Tax Map #163.00-01-10.100, and asked the Board for a “waiver” of the Towns Site Plan Review Zoning Law, to allow him to operate a metal recycling facility at said location. 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 located behind the already existing “natural” barrier. 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 to 2 people.

Clerk Jones received an email from Town Attorney, Tim Farley, stating that according to Section 755 “waivers” that provides the Town board can waive the provisions of the Site Plan Review Zoning Law. A concern that the recycling activity is absolutely prohibited by the Law, that the Town would have to show some substantial reasons to grant such a waiver. Due to the language in Section 755 being very strong it would have to be bound that the standards as they are set forth in this Law are “not in the interest of the public health, safety and general welfare” or that strict adherence to the standards and/or requirements would cause unnecessary hardship for the applicant without achieving any public benefit. After discussion the following resolution was presented.

RESOLUTION NO. 82 OF 2013 SET PUBLIC HEARING DATE

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 there has been an application made for a metal recycling facility in the Town of New Bremen. This use is prohibited under Section 550 of the Town of New Bremen Site Plan Review Zoning Law, and

Whereas it is the Town Boards responsibility to review said Site Plan Review Application and to determine whether it be approved and whether the Town should grant a waiver of the prohibition, now therefore be it

Resolved that the Town Board of the Town of New Bremen will hold a public hearing on August 12, 2013 at 6 p.m. to consider a waiver of said law.

COUNCIL MEMBER REPORTS

Councilwoman Sauer reported the Fit Trail Stations have been delivered and are in cold storage and awaiting installation. Also, reported that she and Arletha Zehr contacted Peebles Signs & Graphics to obtain a design of the two Town Signs and stated that the cost would be more than previously anticipated due to added color and graphics.

Councilman Becker asked if she consulted with any other local sign makers. Comments from the floor suggested several other local sign makers.

Councilwoman Sauer stated she hadn't consulted with other sign makers but was willing to do so.

WEBSITE

Supervisor Keys received a letter from Eve Laparr inquiring if the Town was interested in updating or upgrading the Towns website. She professionally designs, creates and updates websites at a "low cost".

Councilwoman Sauer asked Clerk Jones if she updates the Towns website. Clerk Jones stated she designed and created the Towns website and updates it regularly at no cost to the Town and has received only positive compliments on it.

RESOLUTION NO. 83 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.

HIGHWAY

Superintendent Hall received a letter from David L. Becker, County Highway Superintendent, asking the Board for a revised Expenditure of Highway Moneys form to be filled out due to the increase in CHIPS funding. After discussion the following resolution was presented.

RESOLUTION NO. 84 OF 2013 REVISED AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

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 Pursuant to the provisions of Section 284 of the Highway Law we agree that moneys levied and collected in the Town for the repair and improvement of highways, shall be expended as follows:

General Repairs. The sum of \$505,088.92 shall be set aside to be expended for primary work and general repairs upon 64.73 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION NO. 85 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.

JUSTICE COURT GRANT

Aimee Murphy, Court Clerk, asked the Board for permission to apply for a grant through the Justice Court Assistance Program. They would like to apply for a new photocopier and television for jury trials. After discussion the following resolution was presented.

(Regular Meeting of July 8, 2013 con't.)

**RESOLUTION NO. 86 OF 2013
AUTHORIZING JUSTICE COURT
ASSISTANCE PROGRAM GRANT APPLICATION**

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 New York State pursuant to Chapter 280 of the Laws of 1999 has established the Justice Court Assistance Program (JCAP) to enable towns to apply to the chief Administrative Judge for a grant of state funds to assist in the operation of the Town Justice Court, and

Whereas the Town of New Bremen Justice Court is in need of various goods and/or services that will allow the court to better serve the community, and

Whereas the Town of New Bremen Justice Court has prepared an application to receive a Justice Court Assistance Program Grant (JCAP) in order to purchase the various goods and/or services, it is

Resolved the Town of New Bremen authorizes the Town of New Bremen Justice Court to submit an application to the Justice Court Assistance Program (JCAP) for the state fiscal year ending March 31, 2014, it is further

Resolved that the Town Supervisor is authorized to execute the Certification on the Justice Court Assistance Program Grant Application.

ASSESSOR

Supervisor Keys received a letter of interest and a resume from Robert B. Ball, Natural Bridge, NY, for the position of Sole Assessor for the Town of New Bremen, and is currently an Assessor for three other Towns.

Assessor Gratch explained that the Town of New Bremen is still in a Coordinated Assessment Program (CAP) Agreement with the Town of Watson until December 31, 2013. She stated that if the Town were to breach the contract the State would penalize the Town and would be responsible to reimburse the State for funds received for said CAP Agreement. Assessor Gratch also suggested working with the Town of Watson in order to protect the Tax Payer's of New Bremen.

Councilwoman Sauer questioned the need to have the same Assessor as the Town of Watson.

Clarification was made upon review of the CAP Agreement regarding the requirement to have a "jointly" Appointed Sole Assessor with the Town of Watson. The agreement states that the Towns will jointly appoint one Sole Assessor.

Comments were heard from the floor.

Supervisor Keys suggested having three (3) volunteers from the community to assist in the interview process with the Board. Being many residents were interested in participating Supervisor Keys asked them to collaborate outside and pick three (3) to represent the community. He will contact Mr. Ball to set a date and inform those involved. After discussion the following resolution was presented.

(Regular Meeting of July 8, 2013 con't.)

**RESOLUTION NO. 87 OF 2013
ASSESSOR INTERVIEWS**

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 the Town Board and 3 residents of the Town of New Bremen interview Robert Ball and Erin Gratch for the position for Sole Assessor for the Town of New Bremen.

HIGHWAY PAYROLL

Supervisor Keys brought to the attention to the Board that there was an authorized payment for vacation time that was not earned for a highway employee for the payroll period 6/23/13 thru 7/16/13. Attorney Farley advised the Board cannot authorize the payment. After discussion the following resolution was presented.

**RESOLUTION NO. 88 OF 2013
PAYROLL CORRECTION**

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 Supervisor is authorized to rewrite a corrected paycheck for the highway employee for payroll period 6/23/13 thru 7/16/13 in the amount due for 40 hours work.

**RESOLUTION NO. 89 OF 2013
SUPERVISOR'S MONTHLY REPORT**

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 Supervisor's monthly report is approved as submitted.

**RESOLUTION NO. 90 OF 2013
BUDGET ADJUSTMENTS**

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 the Town Board approves the budget adjustments as follows to appropriate the proceeds from the 4/11/13 sale of equipment to the current year machinery budget.

Highway Fund TW: Machinery – Capital Outlay DA5130.2 - \$8,252.00, Sale of Equipment DA2665 - \$8,252.00.

(Regular Meeting of July 8, 2013 con't.)

**RESOLUTION NO. 91 OF 2013
AUDIT OF CLAIMS**

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 is authorized and directed to pay the following amounts on Abstract #4 & #7 of 2013 in the following amounts.

General	Voucher #91 thru #100	\$7,267.88
Highway T-Wide	Voucher #100 thru #109	\$1,942.93
Highway T-Outside	Voucher #11 thru #13	\$103,776.02

OTHER BUSINESS

J & R reporter Christina Scanlon asked if it was possible to put the employees vacation days used and unused on the employees paycheck stub to eliminate confusion. Supervisor Keys stated he QuickBooks can do this but he does not have the numbers to enter into the system.

The next meeting of the Town Board of the Town of New Bremen will be held on August 12, 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 7:27 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector