

REGULAR MEETING

May 11, 2015

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 11th day of May 2015.

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

Attended by: Approximately 4 people and Dog Control Officer – Justin Hall

Supervisor Keys called the meeting to order at 6:00 p.m. with the Pledge to the Flag.

RESOLUTION NO. 44 OF 2015 APPROVAL OF MINUTES

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

RESOLVED, the minutes of the April 13, 2015 meeting are approved.

PRIVILEGE OF FLOOR

Supervisor Keys opened the floor to the public. Gary Buckingham Jr., Tillman Road, read a letter to the Board in reference to Assessor Ball. Mr. Buckingham is dissatisfied with his most recent dealings pertaining to the Assessor's availability and ability to produce desired information on the assessment of his property and comparable properties. Supervisor Keys stated it's an unfortunate situation and it was suggested he go through the grievance process. The Board will address the issue with Assessor Ball. Mr. Buckingham left at 7:22 p.m.

COUNCIL MEMBER REPORTS

Councilwoman Sauer asked the Board for permission to purchase 2 park benches for the park. After discussion the purchase was approved. Also, she reserved two seats at the NYS Retirement Seminar on May 19th at JCC.

RAILROAD COMPLAINT

There have been several complaints of a hole next to the railroad tracks on State Rte. 126 in Beaver Falls. Discussion followed. Supervisor Keys will contact the Railroad Society to try and resolve the situation.

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**RESOLUTION NO. 45 OF 2015
TOWN CLERK'S MONTHLY REPORT**

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

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

**RESOLUTION NO. 46 OF 2015
TAX COLLECTOR'S MONTHLY REPORT**

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

RESOLVED, the Tax Collector's monthly report is approved as submitted.

CEMETERY

Clerk Jones received a letter from Attorney Farley in reference to the filing of the deed for the New Bremen Rural Cemetery along with filing fees. Joseph Ambrose from the Department of State - Division of Cemeteries, audited the records from the New Bremen Rural Cemetery Association on April 21, 2015, and will be forwarding a report of his findings. He stated their main concern is to be sure "all" the cemetery association monies were turned over to the Town and that the proper procedures for the transfer of the property were followed and completed. He also mentioned there are possible grant monies through the state for cleanup/repair of cemeteries. Councilman Brooks will look in to this.

HIGHWAY SUPERINTENDENT

Superintendent Bush informed the Board that employee "X" passed his CDL test with high merit and would like to increase his wages from laborer rate (\$16.25 hr.) to MEO rate (\$17.25 hr.). After discussion, the following motion was presented.

**RESOLUTION NO. 47 OF 2015
HIGHWAY EMPLOYEE STATUS CHANGE**

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

RESOLVED, that employee "X" is hereby granted MEO title and pay rate.

BID OPENING

One bid was received for the 2007 Ford F-150 Pickup and zero received for the 1980 Cab & Chasis. Bid opening followed. After discussion, the following resolution was presented.

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**RESOLUTION NO. 48 OF 2015
FORD F-150 PICKUP TRUCK BIDS**

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

WHEREAS, the Clerk presented Proof of Advertising to bid for sale - one (1) used 2007 Ford F-150 Pickup Truck in the Journal & Republican. The following bid was received:

Steve McFadden - \$3,575.00

BE IT RESOLVED, the bid submitted by Steve McFadden for \$3,575.00 for the 2007 Ford F-150 Pickup Truck be rejected, and be it further

RESOLVED, that Superintendent Bush is authorized to readvertise the 2007 Pickup for bid for sale with no minimum bid set, to be advertised for 2 weeks in the Journal and Republican with bid opening set for June 8, 2015 at 6 p.m.

HIGHWAY SCHOOL

Superintendent Bush asked the Board for permission to attend Highway School held at Cornell University the end of May. After discussion, the following resolution was presented.

**RESOLUTION NO. 49 OF 2015
PERMISSION TO ATTEND TRAINING**

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

RESOLVED, that Highway Superintendent Bush has permission to attend the Highway School held May 31st thru June 3, 2015 at Cornell University.

MATTIS ROAD

Superintendent Bush received a letter from The Gorman Group in reference to the 2014 Chip Seal job on the Mattis Road. Due to the "long" history with the Town they are willing to credit approximately \$35,000 towards the resurfacing of the Mattis and Beech Hill Roads. They quoted \$208,471.18 to hot mix both roads. After the credit it would be \$173,294.18.

After lengthy discussion, the following resolution was presented.

**RESOLUTION NO. 50 OF 2015
APPROVAL TO PAVE MATTIS AND BEECH HILL ROADS**

On a motion of Supervisor Keys, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 4 Becker, Aucter, Brooks, Keys Abstained 1 Sauer

RESOLVED, that Highway Superintendent Bush is authorized to pave the Mattis and Beech Hill Roads.

*Letter and paving quote incorporated at the end of these minutes.

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**RESOLUTION NO. 51 OF 2015
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

**RESOLUTION NO. 52 OF 2015
DOG CONTROL OFFICER'S MONTHLY REPORT**

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

RESOLVED, the Dog Control Officer's monthly report is approved as submitted

Justin Hall, DCO, stated he will start issuing tickets for delinquent dog licenses after the May rabies clinics are finished.

ZONING

Supervisor Keys spoke with Ward Dailey in reference to the Cady Property, 8476 State Rte. 812, and Halko/Brown Property, 8826 Van Amber Rd. He wanted to know where the Town stands on the clean up of the properties. After discussion, Supervisor Keys will send a "final" notice via registered mail to both property owners demanding compliance.

**RESOLUTION NO. 53 OF 2015
TO AUTHORIZE ACTIVE VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE
WORKERS WITHIN OUR JURISDICTIONAL DEPARTMENT TO RESPOND WHILE WITHIN
THE STATE OF NEW YORK, BUT OUTSIDE THE AREA REGULARLY SERVED BY THE FIRE
COMPANY OR FIRE DEPARTMENT, PRIOR TO THE ARRIVAL OF THE OFFICER IN
COMMAND OF THE SCENE**

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

WHEREAS, Section 209-i of the NYS General Municipal Law entitled Emergency Service by Volunteer Firemen was amended by adding a new subdivision 1-b to read as follows: 1b. In the event that an active volunteer firefighter provides services under subdivision One of this Section when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the Volunteer Firefighters' Benefit Law provided the fire company or municipality the volunteer serves adopts a resolution granting coverage for the provision of such services. Upon arrival of a jurisdictional officer in command, such volunteer shall be entitled to benefits in the manner set forth in subdivision One of this Section; and

WHEREAS, Subdivision 1 of Section 5 of the NYS Volunteer Ambulance Workers' Benefit Law was amended by adding a new paragraph 1 to read as follows: While, within the State, performing duties in an area other than his or her own, related to the delivery of emergency health care prior to the arrival of the ambulance department, ambulance company, or any unit provided thereof that is responsible for the provision of such are in that area provided that the volunteer ambulance workers' municipality, ambulance department, ambulance company, or any unit thereof, adopts a resolution granting coverage for such duties, upon the arrival of the

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ambulance department, ambulance company, or any unit thereof responsible for emergency health care in the area, such volunteer ambulance workers shall be entitled to benefits in the manner set forth in paragraph b of this subdivision.

Now, Therefore, BE IT RESOLVED, as follows:

Section 1. That the New Bremen Town Board hereby authorizes all volunteer firefighters and ambulance workers/responders within our jurisdiction to respond while within the State of New York, but outside the area regularly served by the fire company or fire department of which he/she is a member, prior to the arrival of the jurisdictional officer in command.

Section 2. That such responding volunteer firefighter and/or ambulance worker/responder shall hereby be entitled to volunteer firefighter benefits in the manner set forth in subdivision One of Section 209-i of the NYS General Municipal Law, or as set forth in Paragraph b of the NYS Volunteer Ambulance Benefit Law.

**RESOLUTION NO. 54 OF 2015
WATER COMMISSIONER APPOINTMENT FOR
BEAVER FALLS WATER DISTRICT**

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

WHEREAS, the office of Water Commissioner for the Beaver Falls Water District held by Robert B. Boliver, expires May 31, 2015, now therefore be it

RESOLVED, that Robert B. Boliver is hereby reappointed as Commissioner of the Beaver Falls Water District for a 5 year term effective 6/01/15 thru 05/31/2020.

GOVERNMENT EFFICIENCY PLAN

Supervisor Keys presented three (3) certifications in support of the Government Efficiency Plan, to be approved by the Board. After discussion, the following resolution was presented.

**RESOLUTION NO. 55 OF 2015
CERTIFICATIONS OF SUPPORT FOR THE
GOVERNMENT EFFICIENCY PLAN**

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

RESOLVED, that Supervisor Keys is hereby authorized to sign the Certifications of Support for the Government Efficiency Plan.

EMPLOYMENT & LIABILITY GUIDELINES

Discussed some additions/changes to be made to the Employment & Liability Guidelines, in reference to comp time for Highway employees. Supervisor Keys made a chart explaining the details of how the comp time would work. Also discussed floating time for three (3) holidays – Election, Veterans and Martin Luther. It was suggested that the Highway employees come up with their ideas for additions/changes and Councilman Brooks and Councilwoman Sauer will do the same and bring their recommendations to the Board.

NBR CEMETERY

Joel Kloster, Van Amber Road, contacted Supervisor Keys in reference to mowing the New Bremen Rural Cemetery on Patty Street. Discussed whether it should be an hourly rate or a set rate. Councilman Aucter feels it should be bid out. Being Memorial Day is fast approaching, the Board decided to have Mr. Kloster mow the cemetery before Memorial Day and will bid it out at a later date. Supervisor Keys asked Councilman Aucter to draft a job description for the Boards review at the next regular meeting.

**RESOLUTION NO. 56 OF 2015
SUPERVISOR'S MONTHLY REPORT**

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

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

**RESOLUTION NO. 57 OF 2015
AUDIT OF CLAIMS**

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

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #4 & #5 of 2015 in the following amounts.

General	Voucher #58 thru #69	\$4,255.29
Highway T-Wide	Voucher #48 thru #58	\$7,213.36
Highway T-Outside	Voucher #5 thru #7	\$2,453.89

OTHER BUSINESS

Councilwoman Sauer drafted a letter to Sheriff Carpinelli asking if the Town may benefit from the inmate work program to stain and clean-up the exercise stations in the park. Councilman Aucter will deliver the letter to Sheriff Carpinelli.

FIVE YEAR PLAN

Supervisor Keys submitted and reviewed with the Board, a Five Year Plan for Equipment Purchase/Replacement. After discussion, the following resolution was presented.

**RESOLUTION NO. 58 OF 2015
ADOPTION OF FIVE YEAR PLAN FOR
EQUIPMENT PURCHASE/REPLACEMENT**

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

RESOLVED, that the Five Year Plan submitted by Supervisor Keys is hereby adopted by said Board, and is incorporated at the end of these minutes.

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The next meeting of the Town Board of the Town of New Bremen will be held on June 8, 2015 at 6:00 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Becker, seconded by Councilman Brooks, the meeting was adjourned at 8:25 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector

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