

REGULAR MEETING  
APRIL 10, 2017

**DRAFT**

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 10<sup>th</sup> day of April 2017.

Town Officer's Present: Peter J. Keys, Supervisor  
David L. Becker, Councilman  
Joseph E. Aueter, Councilman  
Marcus Bush, Councilman  
Jonathan M. Bush, Hwy. Superintendent  
Elizabeth B. Jones, Clerk

Attended by: Approximately 6 people

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

**RESOLUTION NO. 43 OF 2017  
APPROVAL OF MINUTES**

On a motion of Councilman Becker, seconded by Councilman Bush, the following resolution was  
ADOPTED Ayes 3 Becker, Bush, Keys Nays 0

RESOLVED, the minutes of the March 13, 2017 meeting are approved.

**OPEN PUBLIC HEARING**

The Public Hearing to determine whether Site Plan Review Application No. 1-2017 submitted by Timothy and Samantha Widrick for the proposed construction of a garden center with offices and greenhouses, to be located at 8484 Van Amber Road, Town of New Bremen, Tax Map #145.00-01-13.400 is complete, was declared open at 6:04 p.m. Proof of publication in the Journal & Republican was noted. Public comment related to such application will be taken at this time.

**CLOSE OF PUBLIC HEARING**

There were no questions or comments by the public. Therefore, the public hearing was hereby closed at 6:05 p.m. After discussion, the following resolution was presented.

**RESOLUTION NO. 44 OF 2017  
SITE PLAN REVIEW APPLICATION DETERMINATION**

On a motion of Councilman Becker, seconded by Councilman Bush, the following resolution was  
ADOPTED Ayes 3 Becker, Bush, Keys Nays 0

WHEREAS, the Town Board of the Town of New Bremen did hold a Public Hearing on April 10, 2017 to review the Site Plan Review & Zoning Permit Application submitted by Timothy and Samantha Widrick and to determine whether or not the application was complete, now therefore be it

(Regular Meeting of April 10, 2017 cont'd.)

RESOLVED, that the Town Board of the Town of New Bremen hereby determines that the Site Plan Review Application submitted by Timothy and Samantha Widrick to construct a garden center with offices and greenhouses, to be located at 8484 Van Amber Road, Town of New Bremen, Tax Map #145.00-01-13.400 is complete, and be it further

RESOLVED, the Town Clerk is to refer the Site Plan Review Application along with all required forms/information to the County Planning Board for their review and recommendations.

**PROCUREMENT POLICY**

Attorney Farley sent a draft procurement policy for the Boards review. Supervisor Keys suggested the Board review the policy and revisit it at our next regular meeting.

**COUNCIL REPORTS**

Supervisor Keys stated that Councilman Steve Brooks has resigned effective April 1, 2017. Discussion followed whether to fill the vacancy or leave open. It was decided to leave the council seat vacant at this time.

**RESOLUTION NO. 45 OF 2017  
TOWN CLERK’S MONTHLY REPORT**

On a motion of Supervisor Keys, seconded by Councilman Bush, the following resolution was  
ADOPTED Ayes 3 Becker, Bush, Keys Nays 0

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

**RESOLUTION NO. 46 OF 2017  
TAX COLLECTOR’S MONTHLY REPORT**

On a motion of Supervisor Keys, seconded by Councilman Becker, the following resolution was  
ADOPTED Ayes 3 Becker, Bush, Keys Nays 0

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

Councilman Aucter entered the meeting at 6:13 p.m.

**OPEN PUBLIC HEARING**

The Public Hearing to consider granting a renewal agreement for Cable Television Franchise held by Time Warner Cable Northeast LLC, l/k/a Charter Communications, was declared open at 6:13 p.m. by Supervisor Keys with proof of Publication in the Journal & Republican being acknowledged.

Comments – The renewal agreement is for fifteen (15) years with an annual franchise fee in an amount equal to three percent (3%) of the annual gross revenue which is paid quarterly to the Town. Donna Santamour - Snell Road and Gary Wolff – Mattis Road are both interested in getting Time Warner Cable, but service does not go to their residences and according to an email from Alice Kim of Charter Communications (TWC) it would not be economically feasible for TWC to construct the line expansion at this time. Councilman Aucter suggested contacting TWC to negotiate for the Town to receive free phone and internet service.

**CLOSE OF PUBLIC HEARING**

All questions or comments by the public were heard. Therefore, the public hearing was hereby closed at 6:34 p.m. After discussion, the following resolution was presented.

**RESOLUTION NO. 47 OF 2017  
CABLE TELEVISION FRANCHISE**

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

WHEREAS, an application has been duly made to the Board of the Town of New Bremen, County of Lewis, New York, by Time Warner Cable Northeast LLC, I/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 6005 Fair Lakes Road, East Syracuse, NY 13057, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission, and

WHEREAS, the Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings, and

WHEREAS, a public hearing was held in the Town of New Bremen, New York on April 10, 2017 at 6 p.m. and notice of the hearing was published in the Journal & Republican on March 29, 2017.

NOW, THEREFORE, the Board of the Town of New Bremen finds that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED, that the Board of the Town of New Bremen hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the Town of New Bremen for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

BE IT FURTHER RESOLVED, that the Board of the Town of New Bremen hereby confirms acceptance of this Franchise Renewal Agreement.

\*Copy of said agreement is incorporated at the end of these minutes.

**LCSR**

Councilman Aucter read a letter he drafted to Robert Mackenzie, Lewis County Emergency Management Director concerning the Lewis Co. Search and Rescue as previously discussed at the March 13, 2017 meeting. The Board approved of the letter.

Jason Aucter of the Beaver Falls Ambulance squad gave an update on the continued issue with ambulance services being provided by Lewis County Search and Rescue. There seems to be issues with the boundary lines. Mr. Aucter will be meeting with Robert Mackenzie, Lewis County Emergency Management Director/Fire Coordinator to discuss further and he will keep the Board informed of the situation.

## **HIGHWAY SCHOOL**

Superintendent Bush asked the Board for permission to attend the Highway Schooling held in Ithaca, NY on June 12-14 for Superintendent's. Money has been budgeted. After discussion, the following resolution was presented.

### **RESOLUTION NO. 48 OF 2017 PERMISSION TO ATTEND TRAINING**

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 Highway Superintendent Bush has permission to attend the Highway Superintendent's Schooling held in Ithaca, NY on June 12 – 14, 2017.

## **HIGHWAY SUPERINTENDENT**

Superintendent Bush notified the Board that Donald Glenn will be retiring the end of April 2017. Will place an ad in the J & R and will notify the Board when he fills the position.

Mr. Bush submitted a quote (state bid award) for 1 - Ford F350 4x4 pickup with plow and 8' box through Nortz & Virkler, Inc. for \$39,163.28. Discussion followed with no action at this time.

### **RESOLUTION NO. 49 OF 2017 JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

### **RESOLUTION NO. 50 OF 2017 STEVEN BROOKS THANK YOU FOR YOUR SERVICE TO THE TOWN OF NEW BREMEN**

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

WHEREAS, he served the Town of New Bremen with great distinction since January 1, 2015, and

WHEREAS, his genuine concern for the well-being of the Town of New Bremen, employees and members of the Town Board reflected his unabiding respect for his colleagues, and



**RESOLUTION NO. 52 OF 2017  
ACCEPTANCE OF SITE PLAN REVIEW APPLICATION**

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

WHEREAS, the Town Board of the Town of New Bremen reviewed Site Plan Review Application No. 2-2017, submitted by David Hosler, Martinsburg, for use of the existing 50' x 125' building as a warehouse for NRG Group, Inc., at 8691 State Rte. 812, Town of New Bremen, New York, Tax Map #163.00-02-45.000, now therefore be it

RESOLVED, the Town Board of the Town of New Bremen hereby accepts said application and will hold a Public Hearing on May 8, 2017 at 6 p.m. at the Town Municipal Office Building.

**RESOLUTION NO. 53 OF 2017  
SUPERVISOR'S FINANCIAL REPORT**

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

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

**RESOLUTION NO. 54 OF 2017  
AUDIT OF CLAIMS**

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

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #2 and #4 of 2017 in the following amounts.

General	Voucher #41 thru #50	\$1,642.10
Highway T-Wide	Voucher #46 thru #59	\$8,579.25
Highway T-Outside	Voucher #2 thru #2	\$893.75

The next regular meeting of the Town Board of the Town of New Bremen will be held on May 8, 2017 at 6:00 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Becker, seconded by Councilman Aucter, the meeting was adjourned at 7:17 p.m. Carried unanimously.

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Elizabeth B. Jones, RMC