

REGULAR MEETING
JANUARY 14, 2019

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 14th day of January 2019.

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

Attended by: Approximately 5 people

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

**RESOLUTION NO. 1 OF 2019
APPROVAL OF MINUTES**

On a motion of Councilman Becker, seconded by Councilman Bush, the following resolution was
ADOPTED Ayes 5 Becker, Aueter, Bush, Buell, Keys Nays 0

RESOLVED, the minutes of the December 27, 2018 special meeting are approved.

OPEN PUBLIC HEARING

The Public Hearing on Site Plan Review & Zoning Permit Application No. 2-2018, submitted by Mohawk Networks LLC, 2819 State Rte. 95, Bombay, New York for the construction of a 199' self-support tower for wireless communication on property located at 8488 Erie Canal Road, Town of New Bremen, NY, Tax Map No. 148.00-01-09.100 owned by Craig A. Schmitt & Bobbi S. Schmitt, was declared open at 6:04 p.m. by Supervisor Keys. Proof of publication in the Journal & Republican noted. Councilwoman Buell gave a brief overview of the project.

CLOSE OF PUBLIC HEARING

All questions or comments by the public were addressed. Therefore, the public hearing was hereby closed at 6:08 p.m. The Board will give their final decision after the County Planning Department forwards their recommendations on the project.

OPEN PUBLIC HEARING

The Public Hearing to change the status of Petrie and Tower Roads to "qualified abandoned" was declared open at 6:08 p.m. by Supervisor Keys. Proof of Publication in the Journal & Republican noted. Highway Superintendent Bush and Attorney Farley reviewed Section 205 (2) of the New York State Highway Law pertaining to road abandonment and also explained that an easement is being kept leaving the option to reopen the roads in the future if need be. Discussion followed. Anne Stevens, 8344 Dicob Road, Town of New Bremen has land adjacent to the Tower Road and is concerned whether she will still be able to use the road for sugaring etc. Attorney Farley assured her she may continue to use the road. Councilman Aueter entered the meeting at 6:18 p.m.

CLOSE PUBLIC HEARING

All questions and/or concerns by the public were addressed. Therefore, the public hearing was hereby closed at 6:20 p.m. by Supervisor Keys. After discussion, the following resolution was presented.

**RESOLUTION NO. 2 OF 2019
ABANDONMENT OF PETRIE AND TOWER ROADS**

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

RESOLVED, that the following Town Highway shall be deemed qualified abandoned pursuant to Section 205(2) of the Highway Law of the State of New York

- a. Petrie Road from its intersection with Auctor Road to the Town line of the Town of Watson
- b. Tower Road from its intersection with Dicob Road to County Route 26, and it is further

RESOLVED, that each of the above roads has not become wholly disused, but has not for a period of at least two years been usually travelled along the greater part thereof by more than two vehicles daily, in addition to pedestrians and persons on horseback, and it is further

RESOLVED, that the Superintendent of Highways of the Town has certified that such qualified abandonment is proper and will not cause injustice or hardship to the owner or occupant of any land adjoining said highways, and it is further

RESOLVED, that a public hearing has been held by the Superintendent of Highways on no less than 20 days written notice to such owners and occupants of such lands at the time and place of such hearing, and it is further

RESOLVED, that there shall be recorded in the Town Clerk's Office a Certificate containing a description of that portion of the highway partly disused as aforesaid and declaring a qualified abandonment thereof, and that this Resolution shall constitute such Certificate when filed in the official records of the Town, and it is further

RESOLVED, that the effect of such qualified abandonment shall be as follows:

- a. Such highways shall no longer be worked at the public expense
- b. Such highways shall not cease to be a highway for purposes of public easement by reason of such suspension of work thereon.
- c. No persons shall impair the use of said highway nor obstruct it, except as hereinafter provided.
- d. No persons shall be required to keep any a part of such highway in repair
- e. Except as specifically changed by this Resolution, all general laws relating to highways shall apply such partially-abandoned highway.

SOLAR

Councilman Aucter asked Attorney Farley if the IDA has the authority to approve PILOT agreements. Mr. Farley explained that the IDA legally can approve PILOT agreements, which could include no sales tax and no real property tax. Supervisor Keys asked if we could negotiate the percentages on the solar project for taxing. Attorney Farley stated you could, but generally it follows the standard tax plan.

The Board thanked Attorney Farley for attending. He then left at 6:27 p.m.



FLOOR

Supervisor Keys opened the floor for discussion. Dale Virkler, 6746 Tillman Road, Town of New Bremen is concerned that the Town roads are being plowed far too frequently and is concerned about the hours of operation of the highway department and feels others are complaining also. Highway Superintendent Bush explained the weather on one end of the Town can be totally different than on the other end of Town. He also stated that he has not gone over budget. Supervisor Keys feels it is the decision of the Highway Superintendent and not the Boards to control.

Jeff Duffer, 6177 Patty Street, Town of New Bremen reported that Melvin Weber removed clutter out of the road, but has seen him burying tires on the property and stated he will contact John Murphy, DEC when he's finished. Ward Dailey is aware of the situation.

COUCIL REPORTS

Councilman Aucter has nothing on the proposed gun control law. Discussion followed.

Councilwoman Buell is still working on finding more information on the proposed marijuana control law. The county is working on an Ag Protection Plan which will pertain to dispensary and growing facilities. Towns will be able reflect or piggy back off of it.

Councilwoman Buell asked for a motion to apply for the 2019 Youth Development Funds through the Lewis Co. Youth Bureau in hopes to obtain enough grant funds for the remainder of the playground project. With the Community Build, ability to purchase the playground equipment through state contract and with grant funds received, it should be possible. After discussion, the following resolution was presented.

**RESOLUTION NO. 3 OF 2019
YOUTH DEVELOPMENT FUNDS GRANT**

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

RESOLVED, that Councilwoman Buell is hereby authorized to apply for the 2019 Youth Development Funds through the Lewis Co. Youth Bureau.

**RESOLUTION NO. 4 OF 2019
TOWN CLERK'S MONTHLY & ANNUAL REPORTS
AND TAX COLLECTOR'S ANNUAL REPORT**

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

RESOLVED, the Town Clerk's monthly and annual reports along with the Tax Collector's annual report are approved as submitted.

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

WATER CONTRACT

Reviewed the 2019 Agreement for Water Service between the Village of Croghan and the Beaver Falls Water District and after discussion, the following resolution was presented.

**RESOLUTION NO. 5 OF 2019
WATER SERVICE CONTRACT**

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

RESOLVED, that Supervisor Keys is authorized to sign the 2019 Agreement for Water Service between the Village of Croghan and the Beaver Falls Water District; and that a copy of said contract be on file in the Clerk's office.

*Copy of said contract incorporated at the end of these minute proceedings.

**RESOLUTION NO. 6 OF 2019
VOLUNTEER TRANSPORT CENTER CONTRACT**

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

RESOLVED, that Supervisor Keys is authorized to sign the 2019 contract with Volunteer Transport Center in the amount of \$1500 as budgeted.

*Copy of said contract incorporated at the end of these minute proceedings.

HIGHWAY

Superintendent Bush asked for permission to advertise the 2013 Ford Pickup on the Auctions International website, hoping to get \$2000-\$3000. After discussion, the following resolution was presented.

**RESOLUTION NO. 7 OF 2019
PERMISSION TO ADVERTISE FOR BID FOR SALE**

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

RESOLVED, that Highway Superintendent Bush has permission to advertise for bid for sale – 2013 Ford Pickup truck on the Auctions International website, with the Board reserving the right to reject any or all bids.

Mr. Bush also reported that the 2009 Sterling Dump Truck will be sent to Tracey Road Equipment for possible extensive repairs. He also found a used Gradeall on an auction site that is operational but more interested in it to use for parts for our Gradeall. Current bid is \$1125 and is located Utica way. After discussion it was decided to not purchase it at this time.

Highway Superintendent Bush contacted the NYS DOT concerning the reduced speed limit change request the Board approved in July of 2016. Apparently it fell through the loop and Mr. Bush would like to resubmit the request. After discussion, the following resolution was presented.

**RESOLUTION NO. 8 OF 2019
SPEED LIMIT CHANGE REQUEST**

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

RESOLVED, Town of New Bremen Highway Superintendent, Jonathan M. Bush asked the Town Board for approval to request a lower speed be approved by the New York State Department of Transportation, and

WHEREAS, this will establish a lower maximum speed of 30 mph that vehicles may proceed between the intersection of State Rte. 812 to the intersection of Wagner Road; and a lower maximum speed of 40 mph between the intersection of Wagner Road to the intersection of Hoffman Road, and

WHEREAS, upon receipt of this notice that the regulation has been established, the Town of New Bremen will provide, install and maintain sign (s) in accordance with the Vehicle and Traffic Law, and

WHEREAS, conform to the Manual of Uniform Traffic Control Devices of the Department of Transportation, now therefore be it

RESOLVED, the New Bremen Town Board does support lowering the maximum speed to 30 mph that a vehicle may travel between the intersection of State Rte. 812 to the intersection of Wagner Road; and a lower maximum speed of 40 mph between the intersection of Wagner Road to the intersection of Hoffman Road.

**RESOLUTION NO. 9 OF 2019
JUSTICES MONTHLY AND ANNUAL REPORTS**

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

RESOLVED, the Justices monthly and annual reports are approved as submitted.

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

**RESOLUTION NO. 10 OF 2019
HISTORIAN'S ANNUAL REPORT**

On a motion of Councilman Becker, seconded by Councilman Bush, the following resolution was
ADOPTED Ayes 5 Becker, Aucter, Bush, Buell, 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.

**RESOLUTION NO. 11 OF 2019
DCO MONTHLY & ANNUAL REPORTS**

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

RESOLVED, the Dog Control Officer's monthly and annual reports are approved as submitted.

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

TOWN POLICIES

Supervisor Keys asked the Board to review all Town policies and bring any changes to the February meeting.

**RESOLUTION NO. 12 OF 2019
SPECIAL DISTRICTS AND SERVICES**

On a motion of Councilman Becker, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 5 Becker, Aucter, Bush, Buell, 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 - \$27,491.42	New Bremen Fire District - \$79,703.00
New Bremen Fire Protection - \$16,275.00	New Bremen/Beaver Falls Light District - \$10,800
Beaver Falls Fire Dept. Ambulance Svc. - \$8,000.00	LCSR Ambulance Service - \$6,070.73
Volunteer Transportation Center - \$1,500.00	Beaver Falls Library - \$2,700.00
Croghan Free Library - \$2,500.00	

**RESOLUTION NO. 13 OF 2019
DELEGATION OF AUTHORITY - GAMES OF CHANCE**

On a motion of Councilwoman Buell, seconded by Councilman Bush, the following resolution was
ADOPTED Ayes 5 Becker, Aucter, Bush, Buell, 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, 2019 thru December 31, 2019.

**RESOLUTION NO. 14 OF 2019
RETURN CHECK FEE AND NIGHT DROP DEPOSITS**

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

RESOLVED, the Town Clerk/Tax Collector is hereby authorized to collect a return check fee of \$20 for checks returned for insufficient funds, and be it further

RESOLVED, the Town Clerk/Tax Collector and the Town Supervisor are hereby authorized to use the night drop for deposits at Community Bank in Lowville for 2019.



**RESOLUTION NO. 15 OF 2019
AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS**

On a motion of Councilman Becker, seconded by Councilwoman Buell, the following resolution was
ADOPTED Ayes 5 Becker, Aucter, Bush, Buell, 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 \$443,000.00 shall be set aside to be expended for primary work and general repairs upon 63.21 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

SUPERVISOR

Supervisor Keys created a “non-abstract expense” report showing bills paid prior to audit (ex. utilities, insurance, etc.) and will submit a copy to the Board and will also be attached to the abstract and certified by the Supervisor and Town Board.

**RESOLUTION NO. 16 OF 2019
SUPERVISOR’S MONTHLY & ANNUAL FINANCIAL REPORTS**

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

RESOLVED, the Supervisor’s monthly and annual financial reports are approved as submitted.

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

**RESOLUTION NO. 17 OF 2019
AUDIT OF CLAIMS**

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

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #1 of 2019 in the following amounts.

General	Voucher #1 thru #14	\$20,319.55
Highway T-Wide	Voucher #1 thru #8	\$8,911.22
Highway T-Outside	Voucher #1 thru #1	\$330.00

NEW BUSINESS

Councilman Aucter is helping at the Village of Croghan skating rink which is now open and they are looking for volunteers.

(Regular Meeting of January 14, 2019 con't.)

DRAFT

The next meeting of the Town Board of the Town of New Bremen will be held on February 11, 2019 at 6:00 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Becker, seconded by Councilman Bush, the meeting was adjourned at 7:53 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector