

REGULAR MEETING  
December 14, 2020

**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/Highway Building, 8420 State Rte. 812, New Bremen, New York on the 14<sup>th</sup> day of December 2020.

Town Officer's Present: Peter J. Keys, Supervisor  
David L. Becker, Councilman  
Joseph E. Aucter, Councilman  
Casandra M. Buell, Councilwoman  
Alexis L. Lyndaker, Councilwoman  
Douglas E. Herzig II, Hwy. Superintendent  
Elizabeth B. Jones, Clerk

Attended by: Nicholas Astafan – DCO, Ian Gilbert – Legislator, Sean Reardon – Tetra Tech, Greg Hering – ClearPath Energy, Skyler Farney, Brandon Clemons, LuAnn Zehr, Bob Bowman, Bob Keefer, Peter McLane

Supervisor Keys called the meeting to order at 6:33 p.m. with the Pledge to the Flag.

**RESOLUTION NO. 135 OF 2020  
APPROVAL OF MINUTES**

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

RESOLVED, the minutes of the November 9, 2020 meeting are approved.

**SITE PLAN REFERRAL**

Lewis County Planning Board reviewed the referral for Site Plan Review Application No. 4-2020 to use an existing 4,000 sq. ft. storage garage as a commercial automotive repair facility located at 8685 State Rte. 812 in the Town of New Bremen – CNF Repair LLC, applicant Skyler Farney, and submitted their letter of approval with five (5) conditions listed. Ward Dailey, Zoning Officer also sent a letter of recommendations for the project. After discussion, the following resolution was presented.

**RESOLUTION NO. 136 OF 2020  
SITE PLAN REVIEW & ZONING PERMIT APPLICATION NO. 4-2020**

On a motion of Councilman Aucter, seconded by Councilwoman Lyndaker, the following resolution was  
ADOPTED 4 Becker, Aucter, Lyndaker, Keys Recusal 1 Buell Nays 0

WHEREAS, that pursuant to General Municipal Law, Article 12-B, Section 239-M, the County Planning Board did review Site Plan Review & Zoning Permit Application No. 4-2020 - CNF Repair LLC/Skyler Farney, 8685 State Rte. 812, Town of New Bremen, to use an existing 4,000 sq. ft. storage garage as a commercial automotive repair facility at said location, Tax Map No. 163.00-02-45.000, and

WHEREAS, the County Planning Board did approve the application with conditions, now therefore be it

RESOLVED, the New Bremen Town Board “approves” Site Plan Review & Zoning Permit Application No. 4-2020, contingent upon the applicant complying with the conditions set forth by the County Planning Board, and be it

FURTHER RESOLVED, the Town Board extends a six (6) month grace period to complete the installation of an adequate screening/buffer.

\*Copy of said letter of approval is included at the end of these minutes.





(Regular Meeting of December 14, 2020 con't.)

Floor - Bob Bowman, member of the Beaver Falls Fire Department and Lewis County EMS Council gave a brief report on the Beaver Falls EMS – obtained a couple new EMT's and all in all they are doing good. Discussed purchasing an AED for the municipal office building. Mr. Bowman will get pricing and information to Supervisor Keys.

**CLOSE PUBLIC HEARING**

There were no questions or comments by the public pertaining to the renewal of the ambulance contract; therefore, the public hearing was hereby closed at 7:35 p.m. by Supervisor Keys.

**RESOLUTION NO. 139 OF 2020  
BEAVER FALLS AMBULANCE CONTRACT**

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

WHEREAS, a public hearing was held and all persons who appeared were heard, now therefore be it

RESOLVED, that the Town Board of the Town of New Bremen hereby enters into an agreement with the Beaver Falls Fire Department, Inc. for emergency and general ambulance service for the Town of New Bremen residents, and therefore be it further

RESOLVED, that the Beaver Falls Fire Department, Inc. shall receive \$8,000.00 per year and the Supervisor is authorized and directed to pay the above amount from the General Fund on or before March 1, 2021 & 2022 and that the completed 2 year contract will be filed in the Office of the Town Clerk.

**OPEN PUBLIC HEARING**

The Public Hearing for the renewal of the Lewis County Search and Rescue ambulance contract was declared open at 7:35 p.m. by Supervisor Keys. Proof of Publication in the J & R noted.

**CLOSE PUBLIC HEARING**

There were no questions by the public; therefore, the public hearing was hereby closed at 7:36 p.m. by Supervisor Keys.

**RESOLUTION NO. 140 OF 2020  
SEARCH AND RESCUE AMBULANCE SERVICE CONTRACT**

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

WHEREAS, the Town Board of the Town of New Bremen did hold a public hearing on December 14, 2020 to consider renewing the Lewis County Search and Rescue contract for ambulance service, and be it

RESOLVED, that the Town of New Bremen does hereby enter in to an agreement with the Lewis County Search and Rescue, Inc., to provide ambulance services to the Town of New Bremen and its residents for 2021 for a fee of \$6,315.98.

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

**SOLAR LAW**

Councilwoman Buell was made aware of a couple minor discrepancies in the Towns solar energy law and recommends that the Board consider amending the local law. Attorney Farley reviewed the suggested changes, sent a draft for the Board's review and stated a public hearing is required. The Board reviewed the "proposed" Local Law No. 1 of 2021 – Amending Local Law No. 1 of 2020 related to the Regulation of Solar Energy Systems in the Town of New Bremen. After review, the following resolution was presented.

**RESOLUTION NO. 141 OF 2020  
PUBLIC HEARING SET FOR “PROPOSED” LOCAL LAW NO. 1 OF 2021**

On a motion of Councilman Aucter, seconded by Councilman Becker, the following resolution was  
ADOPTED Ayes 4 Becker, Aucter, Lyndaker, Keys Recusal 1 Buell Nays 0

RESOLVED, that a Public Hearing will be held by the Town Board of the Town of New Bremen on January 11, 2021, at 6:30 p.m. located at 8420 State Route 812, Lowville, New York 13367 to consider the adoption of “proposed” Local Law No. 1 of 2021 – Amending Local Law No. 1 of the year 2020 related to the Regulation of Solar Energy Systems in the Town of New Bremen.

**COUNCIL REPORTS**

Councilwoman Buell - cemetery mapping of NBRC on Patty Street – received a second quote on ground penetrating radar for \$10,000. Pratt Northam is intrigued with the project. Due to the cost of the project and that the one-time grant funding through the state for the cemetery was already used, the Board has agreed to drop discussion of said project.

**RESOLUTION NO. 142 OF 2020  
TOWN CLERK’S MONTHLY REPORT**

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

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

**FUEL BIDS**

The Town Clerk presented Proof of Publication in the Journal & Republican for sealed bids for Diesel Fuel and Regular Unleaded Gas. Two (2) bids were received. After review of the bids, the Board tabled their decision until the end of the year meeting next week to get clarification on the bids submitted by Simpson Fuels and Christman Fuel Service.

**HIGHWAY**

Highway Superintendent Herzig reported on the following:

1. Put in driveway on Artz Road.
2. Some of the stolen barrels, cones and lights were returned. No charges filed.
3. Water pump issues over the past several months led to installing a submersible pump in the well with temporary power hook up. Possible hole in the water line somewhere between the well and building. The Board to discuss further to determine how to remedy the problem.
4. Truck #22 – clutch repair and additional repairs – approximately \$4,400.00
5. Met with County Hwy. Superintendent and other Town Superintendent’s to come up with a highway response plan for backup for plowing etc. if illness strikes. Will be coordinated by county dispatch.

**RESOLUTION NO. 143 OF 2020  
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

**RESOLUTION NO. 144 OF 2020  
DOG CONTROL OFFICER’S MONTHLY REPORT**

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

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

**DCO**

DCO Astafan gave a brief report – attended meeting at Lewis County Humane Society, upcoming rabies clinic January 23, 2021 at Maple Ridge Center. All is going well and presented his agreement for dog control services for 2021. After discussion, the following resolution was presented.

**RESOLUTION NO. 145 OF 2020  
AGREEMENT FOR DOG CONTROL OFFICER SERVICES**

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

RESOLVED, the Town of New Bremen hereby enters into a one (1) year agreement for Dog Control Officer Services with Nicholas Astafan for the 2021 year.

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

**COUNTY**

Ian Gilbert, Legislator for District No. 4 gave a brief report to the Board on happenings at the County level.

1. Discussed the highway response plan. Highway Superintendent Herzig feels it's a good plan.
2. Moderna vaccine for Covid will be available in Lewis County within the next few months.

**SUPERVISOR**

Supervisor Keys and Clerk Jones met with the accountants to review upcoming changes and discovered mapping issues with their program that are causing the discrepancies in budget account line items and are correcting those issues and should be on track for 2021.

**NO. 3 WATER DISTRICT**

The term of office for Gwenda Segovis, Water Commissioner for the No. 3 Water District ends on 12/31/20. After discussion, the following resolution was presented.

**RESOLUTION NO. 146 OF 2020  
WATER COMMISSIONER REAPPOINTMENT FOR  
NO. 3 WATER DISTRICT**

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

RESOLVED, that Gwenda Segovis is hereby reappointed as Commissioner of the No. 3 Water District for a 3 year term effective 1/1/21 thru 12/31/2023. Following is a listing of members with their terms.

- Francis Dicob – 1/1/19 to 12/31/21
- Brenda Dicob – 1/1/20 to 12/31/22
- Gwenda Segovis – 1/1/21 to 12/31/23

**HEALTH OFFICER**

Term of office for Sean Harney, Health Officer ends 12/31/20 and per his letter of resignation he will no longer be able to fill that position. Dyana Manning, RPA-C is willing to serve as health officer for the Town and other surrounding townships and villages. After discussion, the following resolution was presented.

**RESOLUTION NO. 147 OF 2020  
HEALTH OFFICER APPOINTMENT**

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

RESOLVED, that Dyana Manning, RPA-C is hereby appointed as Health Officer for the Town of New Bremen for a 4 year term effective 1/1/21 thru 12/31/2024.

**SALARY/PAY RATE FOR 2021**

The Board reviewed the salary/pay rate schedule for the highway employees, elected and appointed officials for 2021. After discussion, the following resolution was presented.

**RESOLUTION NO. 148 OF 2020  
SALARY/PAY RATE SCHEDULE FOR 2021 FOR  
HIGHWAY EMPLOYEES, APPOINTED & ELECTED OFFICIALS**

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

Supervisor	Peter J. Keys	\$12,000.00	Monthly
Town Clerk	Elizabeth B. Jones	23,172.00	Monthly
Justice	Errol A. Aucter	9,000.00	Monthly
Justice	Aimee L. Murphy	9,000.00	Monthly
Highway Supt.	Douglas E. Herzig II	51,000.00	Monthly
Councilman	David L. Becker	3,000.00	Quarterly
Councilman	Joseph E. Aucter	3,000.00	Quarterly
Councilman	Alexis L. Lyndaker	3,000.00	Quarterly
Councilman	Casandra M. Buell	3,000.00	Quarterly
Assessor	Robert B. Ball	23,000.00	Monthly
Tax Collector	Elizabeth B. Jones	5,143.00	March & June
Health Officer	Dyana Manning	400.00	Annual (Dec)
Registrar	Elizabeth B. Jones	600.00	Annual (Oct)
Court Clerk	Emily J. Zehr	14.23 hr.	Monthly
Deputy Town Clerk	Vacant	13.79 hr.	Monthly
Historian	Errol A. Aucter	300.00	Annual (Dec)
Hwy. Supt. Secretary	Elizabeth B. Jones	460.00	Annual (Oct)

**Highway Employees – New Wages start with Payroll No. 1 - 12/11/20 to 12/24/20**

Christopher R. Adams	\$19.87 hr. - \$29.80 OT
Thomas J. Lee	\$19.31 hr. - \$28.96 OT
Zachary J. Virkler	\$19.31 hr. - \$28.96 OT
Jonathan L. Campeau	\$19.31 hr. - \$28.96 OT
Shane D. DeRycke	\$19.31 hr. - \$28.96 OT

**Part Time Highway Employees**

PT MEO's - \$19.31 hr. - \$28.96 OT  
 PT Laborer's - \$15.17 hr.

**Insurance Stipend**

\$1000 annually - Paid out on quarterly basis: March, June, Sept, Dec

(Regular Meeting of December 14, 2020 con't.)

**RESOLUTION NO. 149 OF 2020  
SUPERVISOR’S MONTHLY FINANCIAL REPORT**

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

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

**RESOLUTION NO. 150 OF 2020  
AUDIT OF CLAIMS**

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

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #11 & #12 of 2020 and also approved the report of prior to audit payments for insurance, utility, comptroller and Compu-checks.

General	Voucher #126 thru #135	\$1,458.98
Highway T-Wide	Voucher #110 thru #121	\$3,836.45
Highway T-Outside	Voucher #38 thru #41	\$2,987.43
Insurance - \$10,006.69		
Utilities - \$1,647.51		
Comptroller - \$1,954.00		
Compu - Checks - \$140.93		

**YEAR END MEETING**

The Town Board will hold an end of the year meeting on December 28, 2020 at 6:30 p.m. at the Town Municipal Office Building to conduct end of the year business.

**AUDIT COMMITTEE**

Councilwomen Buell and Lyndaker will be auditing the 2020 books for Supervisor, Town Justice, Town Clerk and Tax Collector when records are available for inspection.

With no further business, on a motion of Councilman Becker, seconded by Councilwoman Buell, the meeting was adjourned at 9:05 p.m. Carried unanimously.

\_\_\_\_\_  
Elizabeth B. Jones, RMC  
Town Clerk/Tax Collector