

REGULAR MEETING
August 9, 2021

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 9th day of August 2021.

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: Approximately 9 individuals

Supervisor Keys called the meeting to order at 6:30 p.m. with the Pledge to the Flag.

RESOLUTION NO. 70 OF 2021
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 July 12, 2021 meeting are approved.

SITE PLAN REFERRAL

Lewis County Planning Board reviewed the referred Site Plan Review and Zoning Permit Application No. 2-2021, submitted by Jordan Brandt, for the proposed expansion of Red Barn Meats and construction of an approximately 32,000 sq. ft. building on property located at 9095 and 9097 Briot Rd., Town of New Bremen, NY, Tax Map No. 147.00-01-18.100 and 147.00-01-18.210, at their July 15, 2021 meeting and submitted their letter of approval with five (5) conditions listed. After discussion, the following resolution was presented.

RESOLUTION NO. 71 OF 2021
SITE PLAN REVIEW & ZONING PERMIT APPLICATION NO. 2-2021

On a motion of Councilwoman Lyndaker, seconded by Councilman Aucter, 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. 2-2021 – Red Barn Meats/Jordan Brandt, 9095 Briot Road, Town of New Bremen, for a 32,000 sq. ft. expansion to the existing facility at said location, Tax Map No. 147.00-01-18.100 and 147.00-01-18.210, 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. 2-2021, contingent upon the applicant complying with the following conditions set forth by the County Planning Board:

1. The proposed parking lot, access points and load dock area should be reevaluated to comply with Article 5 and the Town Highway Superintendent should review the proposed entrances to ensure traffic safety standards are met.
2. While the number of parking spaces does not meet the requirements of the Town of New Bremen Site Plan Review Law, the Town Board and applicant should evaluate the proposed number of parking spaces and agree to a suitable quantity based on the number of expected employees and customers.
3. Motion sensor and/or timer outdoor lighting should be added to the exterior of the building and parking area.
4. Before commencing construction activity, the applicant must work with NYSDEC to obtain the proper permits and copies should be given to the Zoning Enforcement Officer.
5. Compliance with all Local, State and Federal, to include USDA, regulations for this type of facility.

*Copy of said letter of approval is included at the end of these minutes. Mr. Brandt left the meeting at 6:37 p.m.

OPEN PUBLIC HEARING

The Public Hearing for Site Plan Review & Zoning Permit Application No. 3-2021, Village of Lowville for the proposed development of the Village of Lowville Groundwater Project, Town of New Bremen, NY, Tax Map No. 182.00-02-08.121 and 182.00-02-10.000, was declared open at 6:38 p.m. Proof of publication in the J&R noted.

FLOOR - DISCUSSION

Patrick Morse, 7646 Number Four Rd., Town of New Bremen – stated that the Village of Lowville Groundwater Project is going through his property and upon his review of the site plan, noticed that the applicant did not list his parcel on their application; and therefore feels it is incomplete and should be denied and/or tabled until updated. Mr. Morse is also upset with the Village of Lowville concerning a previous water project where they left large rock piles on his property and exceeded their fifty (50') right-of-way. He presented the Board with a map and photo of the damage left from the previous project. He is asking for the Board's assistance in the matter.

Councilwoman Buell – the Board can't address the past issue as it's not part of this project. The application for this project was accepted by the Town Board at our July 12th meeting and has been referred to the Lewis County Planning Department for their recommendations; and are aware of Mr. Morse's parcel not being listed on the application. The Town Board would be advised to approve with conditions.

Matthew Cervini, GYMO engineering firm – stated he has spoken with Mayor Beagle on the situation and that Mayor Beagle sent a letter to Mr. Morse about his concerns. Mr. Morse gave a copy of said letter to Supervisor Keys.

Discussion followed – it was suggested that the Village be asked to clean up the mess left from the previous project while they are on-site for the new construction, would save money as they are already there. Would it be possible for the Village to use ARPA funds to help cover the cost of the clean-up?

The Board asked Supervisor Keys to send a letter to the Village of Lowville advocating for the clean-up of Mr. Morse property and make them aware that their site plan application failed to include Mr. Morse property. The County Planning Board will review said referred application at their August meeting and forward their recommendations for the Town Board's final consideration of approval at the September 13th meeting. GYMO representatives left at 6:58 p.m.

CLOSE OF PUBLIC HEARING

All questions and concerns by the public were addressed. Therefore, the public hearing was hereby closed at 6:54 p.m.

OPEN PUBLIC HEARING

The Public Hearing for proposed Local Law No. 2 of 2021 entitled "A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4", was declared open at 6:58 p.m. by Supervisor Keys, with proof of publication in the Journal & Republican noted.

FLOOR - DISCUSSION

Noted that the proposed local law is subject to permissive referendum and in order to have a referendum, a petition must be filed within 45 days of the local law being enacted. Petitions would need to be submitted to the Town Clerk and include the signatures of 10% of people who voted in the last election for Governor in the Town of New Bremen.

Mary Meyer, 8428 Mattis Rd., Town of New Bremen – feels the Board should consider retail shops and that it's time to open up shops to regulate sales of cannabis which could help protect against bad or laced cannabis being purchased on the street.

Peter Meyer, 6469 Erie Canal Rd., Town of Watson – is in agreement with Mrs. Meyer and that the Town Board should give it a chance.

Councilwoman Buell – acknowledged the Town Board has discussed this issue for several meetings and feels the need to be cohesive. If the Town Board "opts in", we can never "opt out". She is uncomfortable, as there are no regulations as of yet and feels it is being pushed through too quickly by the state. If down the road things are regulated thoroughly the Town Board can "opt back in".

**RESOLUTION NO. 73 OF 2021
TOWN CLERK'S MONTHLY REPORT**

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

HIGHWAY SUPERINTENDENT

Highway Superintendent Herzig reported on the following:

1. MEO/Laborer - Looking to fill position, placed help wanted ad and receiving applications through the 18th of August. Also, changed requirements to work towards obtaining their CDL if they do not obtain one already.
2. Paved Briot Rd. and helping other Towns with paving.
3. New Pickup – no definite delivery date as yet.
4. Tandem – in the build process as of 8/2/21.
5. Tree Removal – Asked the Board for input on how to handle roadside trees that need removing and are too big for the highway department to handle safely. Have used Virkler's Tree Service in the past and are very reasonable. Discussed – Board agreed that Highway Superintendent Herzig is to use his judgment and follow the Towns procurement policy.
6. New Holland Tractor – is a 2008 and having continued issues with it. Currently leaking oil in the rear-end. Discussed replacing it.

**RESOLUTION NO. 74 OF 2021
JUSTICES MONTHLY REPORTS**

On a motion of Councilwoman Lyndaker, seconded by Councilman Becker, 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. 75 OF 2021
DCO MONTHLY REPORT**

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

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

SUPERVISOR CORRESPONDENCE

Supervisor Keys reported on the following:

1. ARPA Funds – Received first half - \$121,097.12 and opened a separate account in which the money was transferred into.
2. 2022 Budget – Budget requests have been handed out. Please have returned to Supervisor by early September.
3. 2022 Retirement Contribution – Supervisor asked to transfer funds from the Retirement (contribution) Reserve Fund to offset cost for 2022 employer contribution for the NYSLRS. Said transfer is subject to a permissive referendum. Resolution to follow.
4. AIS – Spoke with new owners for the speedway, are possibly interested in purchasing the old town landfill on Artz Road to put office and/or visitor center. Discussion – Councilman Aucter asked whether National Grid was still interested in leasing the land. Councilwoman Buell has not heard back from Jerry Haenlin, Manager of NG, but will reach out to him to see if they are still interested.

**RESOLUTION NO. 76 OF 2021
RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO EXPEND FUNDS FROM THE
RETIREMENT CONTRIBUTION RESERVE FUND OF THE TOWN OF NEW BREMEN
SUBJECT TO PERMISSIVE REFERENDUM**

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

RESOLVED, the Town Board of the Town of New Bremen duly convened in regular session, does hereby resolve pursuant to the provisions of Section 6-r of the General Municipal Law of the State of New York that the Town of New Bremen Supervisor is hereby authorized and directed to transfer from the Retirement Contribution Reserve Fund of the Town of New Bremen, duly established on October 18, 2004, to the 2022 Employer Contribution Retirement Payment for the benefit of employees of the Town of New Bremen up to the sum of \$16,397.77 to be paid on regular employer contribution retirement payment dates, and

BE IT FURTHER RESOLVED, this Resolution shall be subject to permissive referendum as required by law.

**RESOLUTION NO. 77 OF 2021
SUPERVISOR'S FINANCIAL REPORT**

On a motion of Councilman Aucter, seconded by Councilman Becker, 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. 78 OF 2021
AUDIT OF CLAIMS**

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 Supervisor Keys is authorized and directed to pay the following amounts on Abstract #6 & #8 of 2021 in the following amounts, approved the report of prior to audit payments for insurance, utilities and comptroller fees for justice court and transfer of funds as follows:

General	Voucher #87 thru #95	\$993.20
Highway T-Wide	Voucher #71 thru #74	\$1,843.45
Highway T-Outside	Voucher #16 thru #17	\$11,581.14
H. Insurance - \$10,808.58		
Utilities - \$1,520.57		
Comptroller - \$2,481.00		

BE IT, FURTHER RESOLVED, authorizing the transfer of funds from A1990.4 – Contingent to A1620.4 – Building Contractual in the amount of \$6,500.00 to cover past and future expenses.

The next meeting of the Town Board of the Town of New Bremen will be held on September 13, 2021 at 6:30 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Becker, seconded by Councilwoman Buell, the meeting was adjourned at 8:31 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector