

REGULAR MEETING
August 14, 2023

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 August 2023.

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

Absent - Alexis L. Lyndaker, Councilwoman

Attended by: Joanne Dicob, Barry Lyndaker, Bill Mueller – BRAC

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

RESOLUTION NO. 59 OF 2023
APPROVAL OF MINUTES

On a motion of Councilwoman Buell, seconded by Councilman Schantz, the following resolution was
ADOPTED Ayes 4 Aucter, Buell, Schantz, Keys Nays 0

RESOLVED, the minutes of the July 10, 2023 meeting are approved.

COUNCIL REPORTS

Councilwoman Buell reported on the following.

1. Site Plan Review & Zoning Law – continuing to work on, update is halfway complete. Board received a letter from Attorney Burrows of Kendall, Walton & Burrows, legal counsel for the Town, after a recent fire where four (4) lithium battery storage trailers caught fire at a solar farm in the Town of Lyme, which has many concerned about the possibility of toxic by-products in the air and/or groundwater. They are advising the Town to look at amending our permits and solar law to allow the inclusion of battery storage facilities and provide safeguards.
2. NBCIA – creating new “by laws” in hopes of moving forward to a new 501c3 organization.

RESOLUTION NO. 60 OF 2023
DCO MONTHLY REPORT

On a motion of Councilwoman Buell, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 4 Aucter, Buell, Schantz, Keys Nays 0

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

DCO - DEPUTY

Nick Astafan, DCO will be taking on an additional part-time Deputy DCO, Lindsay Hess. She will be working under the same arrangement as Deputy DCO Young and would like board approval for her to have authority in the town. After review/discussion, the following resolution was presented.

RESOLUTION NO. 61 OF 2023
DEPUTY DCO APPOINTMENT

On a motion of Councilman Aucter, seconded by Councilwoman Buell, the following resolution was
ADOPTED Ayes 4 Aucter, Buell, Schantz, Keys Nays 0

RESOLVED, that Lindsay Hess is hereby appointed as Deputy Dog Control Officer effective 8/14/23 to 12/31/23.

**RESOLUTION NO. 62 OF 2023
TOWN CLERK'S MONTHLY REPORT**

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

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

HIGHWAY SUPERINTENDENT

Highway Superintendent Herzig reported on the following, with resolution to follow:

1. County Radio System – county has surplus mobile radios which can be transferred and issued to town highway departments, to allow for better communication. Discussion followed by board approval.
2. Chip Sealed – Hoffman Road and sections of Dicob, Adams Hill and Buckingham Roads.
3. Damaged Roads – no update from Attorney Farley.
4. DOT Physicals – insurance no longer covers the cost for DOT physicals. Is there a way to recover said costs for the highway employee as they are required every year or every two years, depending on the individual? The board questioned if the county's comp plan would cover it. Highway Superintendent Herzig will contact the county for information.
5. Speed Limit Radar – Councilwoman Buell asked if it would be an option to install speed limit radars in place of children at play signs. They have proven to be 30 to 40% effective in slowing down traffic in areas. Will look into further.
6. Culvert on a seasonal road that has always been maintained by the Town is actually in the Town of Watson not New Bremen. We replaced it last year and again this year due to heavy rain and beaver issues. Will contact Watson to discuss.
7. Job Well Done – Councilman Aucter commended Highway Superintendent Herzig and his highway crew for their job well done with repair of town roads with the recent damage due to the heavy rains and flooding.
8. New Tandem – Supervisor Keys is looking into financing for the new tandem through Community Bank.
9. State Contract – pickups have been removed from the state contract bidding process. Councilwoman Buell suggested a new bid process that may still be available.

**RESOLUTION NO. 63 OF 2023
INTER-MUNICIPAL AGREEMENT
BY AND BETWEEN THE COUNTY OF LEWIS
AND THE TOWN OF NEW BREMEN HIGHWAY DEPT.**

On a motion of Councilwoman Buell, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 4 Aucter, Buell, Schantz, Keys Nays 0

WHEREAS, the County's Radio System has surplus mobile radios which can be transferred and issued to the Town of New Bremen Highway Department, to allow for better communication by that Department and its other members as well as with the County Highway Department and Lewis County 911 Dispatch Center.

WHEREAS, the County will issue 2 radios to the Town as identified on Attachment A attached hereto, with each radio programmed and installed with two (2) private talkgroup channels, and the County Highway's radio set up to allow for work related communication within the Town and with the County Highway Department and County 911 Dispatch; the cost of programming and installation being paid by the County through radio grant funds.

NOW, THEREFORE, in consideration of the promises and conditions hereinafter set forth, the parties agree as follows:

1. The County agrees to transfer 2 radios to the above Town for use by its Highway Department. The County will pay for the radio, its programming and installation of the channels to which the Town will have access for the uses set forth herein.
2. Upon transfer of the radio(s) listed on Attachment A herein to the Town, the Town will be solely responsible and liable for the costs and expenses for maintenance of the radios and equipment transferred to it by the County, and any replacement of the unit(s) or equipment. The Town shall keep the radios in good repair and safe-keeping at its own cost and expense, and for the uses intended by this transfer.

3. The Town agrees that in the event it removes the radios from service in its Highway Department within the first five (5) years.

4. Notwithstanding the above, the County reserves its right to request the immediate return of any radio(s) and related equipment from the Town in the event of any breach of this agreement, misuse of the radio and/or communications on same for the intended use of assistance to its highway department functions.

5. The Town shall insure the radio(s) and equipment on its standard property and liability policy(s) in effect, and name the County as an additional insured for the first five years of use. Thereafter, the County may be removed as an additional insured for this equipment.

6. The term of this agreement shall be five (5) years from the date of full execution of the Agreement. The County reserves the right to terminate this agreement upon sixty (60) days prior written notice to the Town, with the Town agreeing to return the radio(s) and equipment to the County within the time frame indicated by the County in its termination notice.

**RESOLUTION NO. 64 OF 2023
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

SUPERVISOR

Supervisor Keys reported on the following:

1. Budget Requests – handed out budget requests for 2024, to have back to Supervisor Keys by end of August.
2. Hourly Wage Rate – highway men are discussing and will bring to the board at the September meeting.

RAILROAD ABANDONMENT

Joanne Dicob, stated that the process of abandonment of our local railroads has begun and feels the rails are beneficial to the north country and will hurt local businesses and future industrial growth in the area. She is looking for a letter from the board opposing their abandonment.

Bill Mueller voiced his concerns towards the expense of running and maintaining the railroads. Not to mention the repairs needed to get it up and running again. Mrs. Dicob stated there are grants to build it back.

After discussion, the following resolution was presented.

**RESOLUTION NO. 65 OF 2023
LETTER OPPOSING RAILROAD ABANDONMENT**

On a motion of Councilman Aucter, seconded by Councilman Schantz, the following resolution was
ADOPTED Ayes 3 Aucter, Schantz, Keys Recusal: Buell Nays 0

RESOLVED, that the New Bremen Town Board hereby opposes the railroad abandonment and authorizes Supervisor Keys to send a letter stating such to the Federal Service Transportation Board.

*Copy of said letter attached to the end of these minutes.

**RESOLUTION NO. 66 OF 2023
SUPERVISOR'S FINANCIAL REPORT**

On a motion of Councilwoman Buell, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 4 Aucter, Buell, Schantz, Keys Nays 0

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

