

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 14th 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 wasADOPTEDAyes 5Becker, Aucter, Buell, Lyndaker, KeysNays 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.



OPEN PUBLIC HEARING

The Public Hearing for Site Plan Review & Zoning Permit Application No. 5-2020 was declared open at 6:46 p.m. by Supervisor Keys. Proof of publication in the J&R noted.

The Board reviewed said application at the November meeting, deemed it complete, referred it to the County Planning Board for their recommendations and requested Lead Agency status to identified involved agencies listed on the submitted FEAF. NYS DEC sent a letter with no objection to the Town acting as lead agency for the project. They did however, have concerns that the project may disturb a protected tributary of Black Creek and any work that may disturb the bed or banks of the stream would require a permit through the DEC.

Project Description - proposed construction of a 3 MW ground-mounted solar energy facility and related access, security and utility infrastructure on two previously cleared farm fields owned by Myron D. Zehr. Upon completion, the proposed project will provide renewable power to the existing electrical grid via an interconnection point along Brewery Road. Referred to as the "Zehr Solar Energy Project", to be located at 7057 Brewery Road on the Myron D. Zehr property, Tax Map No. 147.00-01-22.100.

The Board reviewed and filled out FEAF parts 2 and 3 for said site plan application with Mr. Reardon and Mr. Hering answering any questions they had.

CLOSE OF PUBLIC HEARING

All questions and concerns by the public were addressed. Therefore, the public hearing was hereby closed at 7:09 p.m. After discussion, the following resolution was presented.

RESOLUTION NO. 137 OF 2020 SITE PLAN REVIEW APPLICATION NO. 5-2020

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

WHEREAS, the Town Board of the Town of New Bremen held a public hearing at the time and place as advertised, for Site Plan Review and Zoning Permit Application No. 5-2020, submitted by Greg Hering, ClearPath Energy, LLC; proposed construction of a 3 MW ground-mounted solar energy facility and related access, security and utility infrastructure on two previously cleared farm fields owned by Myron D. Zehr, to be located at 7057 Brewery Road, Town of New Bremen, Lewis County New York, Tax Map No. 147.00-01-22.100, now therefore be it

WHEREAS, the Town Board of the Town of New Bremen has reviewed the Full Environmental Assessment Form for the purpose of assisting the Town Board in making a determination of significance in respect to the proposed project; of whether the proposed project would have a significant adverse impact on the environment; and

WHEREAS, the Town has reviewed the criteria for determining significance of an action that is set forth at 6 NYCRR 617.7(c); and

WHEREAS, having considered the action and the potential environmental impacts associated with such action the Town Board has determined to proceed.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of New Bremen finds that the proposed action of a 3MW solar facility located at 7057 Brewery Road is subject to SEQR; and the Town Board of the Town of New Bremen hereby declares lead agency for said project and is determined to be a Type 1 action with FEAF parts 2 and 3 completed by the Board with the determination of no significant adverse impacts on the environment, with assurance to the Board, that the applicants will comply with all NYS DEC regulations (including those received on November 30, 2020 and December 1, 2020) and will work with NYS Ag & Markets prior to construction.

OPEN PUBLIC HEARING

The Public Hearing for Site Plan Review & Zoning Permit Application No. 6-2020 was declared open at 7:10 p.m. by Supervisor Keys. Proof of publication in the J&R noted.



The Board reviewed said application at the November meeting, deemed it complete, referred it to the County Planning Board for their recommendations and requested Lead Agency status to identified involved agencies listed on the submitted FEAF. NYS DEC sent a letter with no objection to the Town acting as lead agency for the project. They did however, have concerns that the project may disturb a protected tributary of Black Creek and any work that may disturb the bed or banks of the stream would require a permit through the DEC.

Project Description - proposed construction of a 3 MW ground-mounted solar energy facility and related access, security and utility infrastructure on a farm field and forested land. Upon completion, the proposed project will provide renewable power to the existing electrical grid via an interconnection point at 7194 Brewery Road. Referred to as the "Farney Solar Energy Project", to be located at 7194 Brewery Road on the Farney Lumber Corporation property, Tax Map No. 147.00-02-05.110 and at 7214 Brewery Road on the Niles E. Farney property, Tax Map No. 147.00-02-06.110.

The Board reviewed and filled out FEAF parts 2 and 3 for said site plan application with Mr. Reardon and Mr. Hering answering any questions they had.

CLOSE OF PUBLIC HEARING

All questions and concerns by the public were addressed. Therefore, the public hearing was hereby closed at 7:16 p.m. After discussion, the following resolution was presented.

RESOLUTION NO. 138 OF 2020 SITE PLAN REVIEW APPLICATION NO. 6-2020

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

WHEREAS, the Town Board of the Town of New Bremen held a public hearing at the time and place as advertised, for Site Plan Review and Zoning Permit Application No.6-2020, submitted by Greg Hering, ClearPath Energy, LLC; proposed construction of a 3 MW ground-mounted solar energy facility and related access, security and utility infrastructure on a farm field and forested land owned by Farney Lumber Corporation, to be located at 7194 Brewery Road, Tax Map No. 147.00-02-05.110 and at 7214 Brewery Road on the Niles E. Farney property, Tax Map No. 147.00-02-06.110, Town of New Bremen, Lewis County New York; now therefore be it

WHEREAS, the Town Board of the Town of New Bremen has reviewed the Full Environmental Assessment Form for the purpose of assisting the Town Board in making a determination of significance in respect to the proposed project; of whether the proposed project would have a significant adverse impact on the environment; and

WHEREAS, the Town has reviewed the criteria for determining significance of an action that is set forth at 6 NYCRR 617.7(c); and

WHEREAS, having considered the action and the potential environmental impacts associated with such action the Town Board has determined to proceed.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of New Bremen finds that the proposed action of a 3MW solar facility located at 7194 and 7214 Brewery Road is subject to SEQR; and the Town Board of the Town of New Bremen hereby declares lead agency for said project and is determined to be a Type 1 action with FEAF parts 2 and 3 completed by the Board with the determination of no significant adverse impacts on the environment, with assurance to the Board, that the applicants will comply with all NYS DEC regulations (including those received on November 30, 2020 and December 1, 2020) and will work with NYS Ag & Markets prior to construction.

OPEN PUBLIC HEARING

The Public Hearing for renewal of the Beaver Falls Ambulance Contract was declared open at 7:24 p.m. Proof of Publication in the J & R noted.



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 wasADOPTEDAyes 4Becker, Aucter, Lyndaker, KeysRecusal 1BuellNays 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 DISCTRICT

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



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

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