

REGULAR MEETING
December 13, 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/Highway Building, 8420 State Rte. 812, New Bremen, New York on the 13th day of December 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: Nicholas Astafan – DCO, Ian Gilbert – Legislator, Tim Lee, Tom Rice, Tom Schantz

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

RESOLUTION NO. 114 OF 2021
APPROVAL OF MINUTES

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

RESOLVED, the minutes of the November 8, 2021 meeting are approved.

FLOOR

Supervisor Keys opened the floor for public comment. Tom Rice, 8613 Artz Road, Town of New Bremen received a "Notice of Violation Order to Remedy" from Ward Dailey - Lewis County Building and Fire Codes and Town Zoning Officer on July 26th and November 23, 2021. Three violations were noted. One of which violation was of the Towns Local Law No. 3 of 1996 requiring a Site Plan Review and Zoning Permit for new commercial activities, which according to Mr. Dailey's notice that Mr. Rice is utilizing a former agricultural barn located on said property as an automotive repair shop. Mr. Rice stated he is not, but has been working on his and his family's lawn mowers and has contemplated starting an automotive repair shop but is not ready to commit at this time. The Board reviewed the notice of violation and informed Mr. Rice that if and when he is ready to open an automotive repair shop then he would submit a site plan application to the Town Board for their consideration/approval. As for the other violations, he needs to contact Mr. Dailey at the County to resolve those issues with him. Mr. Rice thanked the Board for their time and left the meeting at 6:43 p.m.

OPEN PUBLIC HEARING

The Public Hearing for the renewal of the Lewis County Search and Rescue ambulance contract was declared open at 6:45 p.m. by Supervisor Keys. Proof of Publication in the J & R noted.

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 6:47 p.m. by Supervisor Keys. The following resolution was presented.

RESOLUTION NO. 115 OF 2021
SEARCH AND RESCUE AMBULANCE SERVICE CONTRACT

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

WHEREAS, the Town Board of the Town of New Bremen did hold a public hearing on December 13, 2021 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 2022 for a fee of \$6,442.30.

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

OPEN PUBLIC HEARING

The Public Hearing for renewal of the New Bremen Fire Protection Contract was declared open at 6:47 p.m. Proof of Publication in the J & R noted.

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 6:48 p.m. by Supervisor Keys. The following resolution was presented.

RESOLUTION NO. 116 OF 2021

NEW BREMEN FIRE PROTECTION DISTRICT CONTRACT

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

RESOLVED, that the Town of New Bremen does hereby renew the agreement with the Croghan Volunteer Fire Department, Inc., and the Village of Croghan to furnish fire protection to the Town of New Bremen, known as the New Bremen Fire Protection District, and be it

FURTHER RESOLVED, that the Croghan Volunteer Fire Department, Inc. shall receive \$17,088.00 a year during the term of the contract, and be it

FURTHER RESOLVED, that the contract effective dates shall be from January 1, 2022 through December 31, 2023 unless terminated as per agreement.

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

NO. 3 WATER DISTRICT

Received correspondence from Claude Curley – NYS DOH and Paul Denise – Village of Lowville, concerning continued complaints of water pressure issues at the Thomas Gray residence, 7610 Number Four Road, Town of New Bremen. Discussion followed. Being the Town is not a DPW, the Board asked Highway Superintendent Herzig to contact Paul Denise to discuss the situation and see what he recommends to resolve the issue, whether a new curb stop or separate supply line, will remedy Mr. Gray’s low water pressure. Mr. Herzig will report back to the Board on his findings.

COUNCIL REPORTS

Councilwoman Buell reported on the following:

1. Clear Path Energy – funded a light project for the Village of Lowville. Would the Board be interested in asking for something similar? Councilwoman Buell suggested a Christmas lighting project in the park. Questions – who will install, maintain and store them? She will contact the company to discuss further.
2. RACOG – have voted us in as members when the Town is ready to commit. Councilwoman Buell didn’t want to commit fully until they have a ZBA that will cover Lewis County, which they are working on and looks promising.
3. Planning Board – Tim Lee, 7761 State Rte. 812, Town of New Bremen is interested in serving on the Towns planning Board if we get enough members to serve and start up the board again. We need a five (5) member board and currently have two (2) individuals interested. The Board thanked Mr. Lee for his interest in serving and asked he pass the word along.

RESOLUTION NO. 117 OF 2021

TOWN CLERK’S MONTHLY REPORT

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

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

CROGHAN LIBRARY

Croghan Free Library submitted their annual report for 2021 and will be on file in the Clerk's office.

2022 TAX COLLECTION

Clerk/Collector Jones submitted a voucher for \$120 to cover the fee for online tax collection via credit/debit card as approved by the Board. Check will be deposited in the Collector's checking account with the company withdrawing directly in the beginning of January.

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 and are as follows:

Simpson Fuels:	ULS Diesel Plus – \$2.80904 plus .16 cents above invoice
	Unleaded Gasoline – \$2.5839 plus .16 cents above invoice
Christman Fuel Service:	Diesel – \$2.401 plus .13 cents over their rack cost
	Gasoline – \$2.395 plus .35 cents over their rack cost

**RESOLUTION NO. 118 OF 2021
FUEL PURCHASE FOR 2022 YEAR**

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

RESOLVED, the Town Board accepts the fuel bid from Christman Fuel Service for the year 2022 and rejects the bid from Simpson Fuels.

TRUCK BIDS

The Town Clerk presented Proof of Publication in the Journal & Republican for sealed bids for the sale of the 2003 Sterling LT9500 dump truck. Two (2) bids were received and are as follows:

Butler Creek Dairy Farm:	\$16,000.00	Pate's Dirt Work & Storage:	\$14,600.00
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Discussion followed. Will discuss further in the meeting after Councilman Aucter arrives.

HIGHWAY

Highway Superintendent Herzig reported on the following:

1. Crosswalk – Meeting with Todd Green from BRCS on the 15th at 9:30 a.m. to see what the school wants and what their plans are concerning a crosswalk, as recommended by David Orr from Cornell Local Roads. Discussed requirements, installation, maintenance etc. Will discuss further when more information is obtained.
2. Fuel Station – Received quote from S&W Services, Inc. and reviewed with the Board. Still have not received a notice of violation from OSHA. No action at this time.
3. New Tandem is on the road.
4. Pickup – no news from Nick on when it will arrive.

Councilman Aucter entered the meeting at 7:40 p.m. Resumed truck bid review. After discussion, the following resolution was presented.

**RESOLUTION NO. 119 OF 2021
ACCEPT BID FOR PURCHASE OF 2003 STERLING DUMP TRUCK**

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

WHEREAS, the 2003 Sterling LT9500 Dump Truck was advertised for bid in the Journal & Republican as approved by the Town Board, now therefore be it

RESOLVED, the high bid of \$16,000.00 for the purchase of said dump truck was hereby accepted by the Town Board.

(Regular Meeting of December 13, 2021 con't.)

**RESOLUTION NO. 120 OF 2021
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

DOG CONTROL

Shared expenses for dog control for 2021 is \$365.06 – owed to Town of Lowville, is on tonight's abstract. Shelter report received and in good order.

**RESOLUTION NO. 121 OF 2021
DOG CONTROL OFFICER'S MONTHLY REPORT**

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 Dog Control Officer's monthly report is approved as submitted.

**RESOLUTION NO. 122 OF 2021
AGREEMENT FOR DOG CONTROL OFFICER SERVICES**

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 Town of New Bremen hereby enters into a one (1) year agreement for Dog Control Officer Services with Nicholas Astafan for the 2022 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. County is under state of emergency due to increase in cases of Covid.
2. Hired an outside attorney to handle possible railway project.
3. County will not enforce the Governor's mask mandate.

NO. 3 WATER DISTRICT

The term of office for Francis Dicob, Water Commissioner for the No. 3 Water District ends on 12/31/21. After discussion, the following resolution was presented.

**RESOLUTION NO. 123 OF 2021
WATER COMMISSIONER REAPPOINTMENT FOR
NO. 3 WATER DISTRICT**

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 Francis Dicob is hereby reappointed as Commissioner of the No. 3 Water District for a 3-year term effective 1/1/22 thru 12/31/2024. Following is a listing of members with their terms.

Brenda Dicob – 1/1/20 to 12/31/22
 Gwenda Segovis – 1/1/21 to 12/31/23
 Francis Dicob – 1/1/22 to 12/31/24

SALARY/PAY RATE FOR 2022

The Board reviewed the salary/pay rate schedule for the highway employees, elected and appointed officials for 2022. After discussion, the following resolution was presented.

**RESOLUTION NO. 124 OF 2021
SALARY/PAY RATE SCHEDULE FOR 2022 FOR
HIGHWAY EMPLOYEES, APPOINTED & ELECTED OFFICIALS**

On a motion of Councilman Aucter, seconded by Councilwoman Buell, 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	23,636.00	Monthly
Justice	Errol A. Aucter	9,180.00	Monthly
Justice	Aimee L. Murphy	9,180.00	Monthly
Highway Supt.	Douglas E. Herzig II	52,020.00	Monthly
Councilman	Joseph E. Aucter	3,000.00	Quarterly
Councilman	Casandra M. Buell	3,000.00	Quarterly
Councilman	Alexis L. Lyndaker	3,000.00	Quarterly
Councilman	Thomas Schantz	3,000.00	Quarterly
Assessor	Robert B. Ball	23,460.00	Monthly
Tax Collector	Elizabeth B. Jones	5,246.00	March & June
Health Officer	Dyana Manning	400.00	Annual (Dec)
Registrar	Elizabeth B. Jones	600.00	Annual (Oct)
Court Clerk	Emily J. Zehr	14.51 hr.	Monthly
Deputy Town Clerk	Vacant	14.06 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 - 12/10/21 to 12/8/22

Christopher R. Adams	\$20.27 hr. - \$30.40 OT
Thomas J. Lee	\$19.70 hr. - \$29.55 OT
Jonathan L. Campeau	\$19.70 hr. - \$29.55 OT
Shane D. DeRycke	\$19.70 hr. - \$29.55 OT
Justin M. Mooney	\$17.70 hr. - \$26.55 OT - Still under 6 mos. Probationary period

Part Time Highway Employees

PT MEO's - \$19.70 hr. - \$29.55 OT
PT Laborer's - \$15.47 hr. - \$23.21 OT

Insurance Stipend

\$1000.00 annually - Paid out quarterly to those employees not participating in the Towns insurance plan - March, June, Sept, Dec

TAX CAP REVIEW

Supervisor Keys received notification from the State Comptroller's office of no findings on their tax cap review for the Town.

CANNABIS

Office of Cannabis Management (OCM) requested a signed copy of the Towns cannabis opt out local law. Clerk Jones submitted and received notification of receipt from OCM on November 18, 2021.

**RESOLUTION NO. 125 OF 2021
SUPERVISOR'S MONTHLY FINANCIAL REPORT**

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 Supervisor's monthly financial report is approved as submitted.

(Regular Meeting of December 13, 2021 con't.)

**RESOLUTION NO. 126 OF 2021
AUDIT OF CLAIMS**

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, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #10 & #12 of 2021 and also approved the report of prior to audit payments for insurance, utility, comptroller, water bill, retirement and tandem down payment.

General	Voucher #130 thru #145	\$6,992.46
Highway T-Wide	Voucher #102 thru #114	\$12,040.34
Highway T-Outside	Voucher #37 thru #38	\$8,617.39
Insurance - \$9,493.10		
Utilities - \$1,686.33		
Comptroller - \$2,371.00		
Navistar - \$75,200.00		
Village of Lowville - \$1,723.51		
NYS Retirement - \$43,746.00		

YEAR END MEETING

The Town Board will hold an end of the year meeting on December 27, 2021 at 6:30 p.m. at the Town Municipal Office Building to conduct end of the year business.

HONORING COUNCILMAN BECKER

Supervisor Keys presented Councilman David L. Becker with a framed, certified resolution in honor of his 28 years of service as Councilman for the Town of New Bremen. A round of applause, thanks and appreciation was given to Councilman Becker from all.

**RESOLUTION NO. 127 OF 2021
HONORING DAVID L. BECKER
FOR 28 YEARS OF SERVICE & DEDICATION**

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

WHEREAS, David L. Becker has served the Town of New Bremen with great distinction as Councilman since January 11, 1993, and

WHEREAS, his genuine concern for the well-being of the Town of New Bremen, employees and members of the Town Board reflected his unabiding respect for his colleagues, and

WHEREAS, throughout his many years of service, David has served the people of this town with fairness and dedication, and now, therefore, be it

RESOLVED, that we, the Members of the Town Board, do hereby extend to David L. Becker our sincere and grateful appreciation for his dedicated service to the Town of New Bremen, and our best wishes to him for continued success, happiness, and good health in the years to come.

With no further business, on a motion of Councilman Becker, seconded by Councilwoman Buell, the meeting was adjourned at 8:24 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector