

REGULAR MEETING
December 12, 2022

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 12th day of December 2022.

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

Attended by: Joanne Dicob

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

RESOLUTION NO. 114 OF 2022
APPROVAL OF MINUTES

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

RESOLVED, the minutes of the November 14, 2022 meeting are approved.

OPEN PUBLIC HEARING

The Public Hearing for the renewal of the Lewis County Search and Rescue ambulance contract was declared open at 6:34 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 6:37 p.m. upon motion by Councilman Aucter, seconded by Councilwoman Lyndaker. The following resolution was presented.

RESOLUTION NO. 115 OF 2022
SEARCH AND RESCUE AMBULANCE SERVICE CONTRACT

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

WHEREAS, the Town Board of the Town of New Bremen did hold a public hearing on December 12, 2022 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 into an agreement with the Lewis County Search and Rescue, Inc., to provide ambulance services to the Town of New Bremen and its residents for 2023 for a fee of \$6,571.15.

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

OPEN PUBLIC HEARING

The Public Hearing for renewal of the Beaver Falls Ambulance Contract was declared open at 6:38 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 6:42 p.m. upon motion by Councilman Aucter, seconded by Councilman Schantz. The following resolution was presented.

**RESOLUTION NO. 116 OF 2022
BEAVER FALLS AMBULANCE CONTRACT**

On a motion of Councilwoman Lyndaker, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 5 Aucter, Buell, Lyndaker, Schantz, 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, 2023 & 2024 and that the completed 2-year contract will be filed in the Office of the Town Clerk.

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

COUNCIL REPORTS

Councilman Aucter reported on the following:

1. Rails to Trails Local Law – the Village of Lowville is looking at adopting a local law to limit use of the county’s rails to trails to non-motorized use within village limits. Is this something the Town of New Bremen should look at also? Discussion followed. Councilman Aucter to obtain sample laws for the boards review.
2. NBCIA – Spoke with Donald Glenn concerning the ball field and whether there is an existing septic system located on that property; as he is the owner of the property with the NBCIA holding a 99-year lease on the property. There is an old septic system, but it may be grown in as it has not been used in years. Continued discussion on the integrity of the NBCIA organization as we still have not received any form of contact from Robin Houppert, President. Several concerned residents have been doing some improvements at the ball field on their own time and funds. Board questioned if they would be willing to try and contact Mrs. Houppert.

Councilwoman Buell reported on the following with resolution to follow:

1. AES Grant Funds – \$35,000 of “community development funds” are available to the Town for a community project or projects if submitted by year end. These grant funds will be available each year for the duration of the development period of the New Bremen Solar project. Any questions the board had concerning the grant funds and what they could be used for were answered via email between Councilwoman Buell and an AES representative. It was agreed that these funds should be applied for. Discussed possible projects: upgrade lights at the ball field, possible school program Zac Lehman is looking in to, boy scouts are looking to restart their program, bathrooms at ball field, life guarding course, etc.
2. Splash Pad – Village of Croghan is considering installing a splash pad at the village recreation park and will be looking for grant funding for the project.

Councilwoman Lyndaker reported on the following:

1. Community Mural – the mural that was projected to be put on the side of the New Bremen General Store or the Crystal View building is to large. Looking at other buildings that could accommodate it, the barn at Duflo Airport is a possible location. Continuing to work on a solution.

After the above discussions, the following resolution was presented.

**RESOLUTION NO. 117 OF 2022
AES GRANT FUNDING APPROVAL**

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

RESOLVED, that Councilwoman Buell is authorized to apply for the \$35,000 in grant funding offered by AES for community development projects.

**RESOLUTION NO. 118 OF 2022
TOWN CLERK'S MONTHLY REPORT**

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

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

HIGHWAY

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

1. Fuel Tank Update – new fuel tanks are ordered and should be delivered and installed soon by Docteur Environmental. They stated it will be a two (2) day process. The old tanks will be pumped out, cut and removed as per the DEC. They cannot be sold for reuse.
2. Tandem – Truck #35 is still at Joe Widrick's, waiting on one (1) part, which is approximately a couple months back ordered. Also discovered two (2) other issues in need of repair. He will do a temporary fix until the part comes in. They will send a bill for work completed thus far so we can pay it with 2022 budget funds.
3. New Tractor – the price for the mower increased from the originally quoted price, per salesman from Stephenson Equipment, Inc. The Board agreed to pay the amount that was originally quoted.
4. Expenditure of Highway Moneys – need to approve resolution and file with the County Highway Superintendent.
5. Bridge NY Program – the County would like to apply for funding, on behalf of the Town, for replacement of the box culvert located on the Erie Canal Road over Murmur Creek by Randy Peters and possibly the bridge on Lomber Road, as possible future development on the road may occur, according to Councilwoman Buell. Highway Superintendent Herzig will contact the County Highway Superintendent to discuss further.
6. Part-Time Laborer – James Dicob, Artz Road will be working on a call in basis as a part-time laborer.
7. Damaged Road – still unsure where the road damage claim is at. Supervisor Keys will contact Bill Schaab, North Country Estates and follow up with Attorney Farley.

After the above discussions, the following resolution was presented.

**RESOLUTION NO. 119 OF 2022
AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS**

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

RESOLVED, Pursuant to the provisions of Section 284 of the Highway Law we agree that moneys levied and collected in the Town for the repair and improvement of highways, shall be expended as follows:

General Repairs. The sum of \$503,000.00 shall be set aside to be expended for primary work and general repairs upon 63.21 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

FUEL BIDS

The Town Clerk presented Proof of Publication in the Journal & Republican for sealed bids for diesel fuel and regular unleaded gas. One (1) bid was received and is as follows:

Christman Fuel Service: Diesel – 12 cents over cost Gasoline – 30 cents over cost

**No other taxes, fees or charges will be added to price.

**Winter months' diesel will be blended and treated to meet cold temperature operation specifications.

**RESOLUTION NO. 120 OF 2022
FUEL PURCHASE FOR 2023 YEAR**

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

RESOLVED, the Town Board hereby accepts the fuel bid from Christman Fuel Service for the year 2023.



SALARY/PAY RATE FOR 2023

The Board reviewed the salary/pay rate schedule for the highway employees, elected and appointed officials for 2023. After discussion, the following resolution was presented.

**RESOLUTION NO. 121 OF 2022
SALARY/PAY RATE SCHEDULE FOR 2023 FOR
HIGHWAY EMPLOYEES, APPOINTED & ELECTED OFFICIALS**

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

Supervisor	Peter J. Keys	\$12,000.00	Monthly
Town Clerk	Elizabeth B. Jones	24,000.00	Monthly
Justice	Errol A. Aucter	9,363.50	Monthly
Justice	Aimee L. Murphy	9,363.50	Monthly
Highway Supt.	Douglas E. Herzig II	54,600.00	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	Paul E. Smith	24,100.00	Monthly
Tax Collector	Elizabeth B. Jones	5,300.00	March & June
Health Officer	Dyana Manning	400.00	Annual (Dec)
Registrar	Elizabeth B. Jones	600.00	Annual (Oct)
Court Clerk	Erin R. Murphy	15.00/hr.	Monthly
Historian	Errol A. Aucter	300.00	Annual (Dec)
Hwy. Supt. Secretary	Elizabeth B. Jones	500.00	Annual (Oct)
Attorney	Timothy A. Farley	5,000.00	Monthly

Highway Employees – New Wages start with Payroll No. 1 - 12/9/22

Christopher R. Adams, Dep. HS/MEO	\$21.27 hr. - \$31.91 OT
Thomas J. Lee, MEO	\$20.70 hr. - \$31.05 OT
Jonathan L. Campeau, MEO	\$20.70 hr. - \$31.05 OT
Shane D. DeRycke, MEO	\$20.70 hr. - \$31.05 OT
Brandon C. Atwood, MEO	\$19.70 hr. - \$29.55 OT - Still under probationary period

Part Time Highway Employees

PT MEO's w/CDL - \$17.70 hr. - \$26.55 OT
PT Laborer's - \$15.97 hr. - \$23.96 OT

Insurance Stipend

\$1000 annually - Paid quarterly to those employees not participating in the Towns insurance plan - Mar, June, Sept, Dec.

**RESOLUTION NO. 122 OF 2022
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

**RESOLUTION NO. 123 OF 2022
DOG CONTROL OFFICER'S MONTHLY REPORT**

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

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

ARPA FUNDS

Received a thank you note from the Adirondack Mennonite Heritage Association for the Towns donation of ARPA Funds to their organization.

ZBA

The term of office for McKenzie Lehman, member of the Zoning Board of Appeals ends on 12/31/22. After discussion, the following resolution was presented.

**RESOLUTION NO. 124 OF 2022
ZONING BOARD OF APPEALS REAPPOINTMENT**

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

RESOLVED, that McKenzie Lehman is hereby reappointed as a member of the Zoning Board of Appeals for a 3-year term effective 1/1/23 thru 12/31/2025. Following is a list of members with their terms.

- Tim Lee - 6/13/22 through 12/31/2023
- Jessica Clemons - 6/13/22 through 12/31/2024
- McKenzie Lehman - 1/1/23 through 12/31/2025

NO. 3 WATER DISTRICT

The term of office for Brenda Dicob, Water Commissioner for the No. 3 Water District ends on 12/31/22. After discussion, the following resolution was presented.

**RESOLUTION NO. 125 OF 2022
WATER COMMISSIONER REAPPOINTMENT FOR
NO. 3 WATER DISTRICT**

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

RESOLVED, that Brenda Dicob is hereby reappointed as Commissioner of the No. 3 Water District for a 3-year term effective 1/1/23 thru 12/31/2025. Following is a listing of members with their terms.

- Gwenda Segovis – 1/1/21 to 12/31/23
- Francis Dicob – 1/1/22 to 12/31/24
- Brenda Dicob – 1/1/23 to 12/31/25

MUNICIPAL BUILDING UPGRADE PROPOSALS

Proof of Publication in the Journal & Republican for sealed bids/proposals for municipal building upgrades was noted. Three (3) bids were received and are as follows:

- Jantzi Construction LLC - \$134,759.08
- Next Level Excavation - \$145,041.00
- M & M Contracting - \$158,500.00

The Board reviewed and discussed all proposals submitted. The following resolution was presented thereafter.

**RESOLUTION NO. 126 OF 2022
ACCEPTANCE OF PROPOSAL FOR MUNICIPAL BUILDING UPGRADES**

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

RESOLVED, the New Bremen Town Board hereby accepts and approves the proposal submitted by Jantzi Construction LLC in the amount of \$134,759.08 to complete the municipal building upgrade project.

(Regular Meeting of December 12, 2022 con't.)

**RESOLUTION NO. 127 OF 2022
SUPERVISOR'S MONTHLY FINANCIAL REPORT**

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

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

**RESOLUTION NO. 128 OF 2022
AUDIT OF CLAIMS**

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

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #11 & #12 of 2022 and also approved the report of prior to audit payments for insurance, utilities and comptroller.

General	Voucher #141 thru #161	\$7,463.48
Highway T-Wide	Voucher #102 thru #113	\$20,395.67
Highway T-Outside	Voucher #35	\$270.00
Insurance - \$9,876.62		
Utilities - \$1,772.55		
Comptroller - \$1,255.00		

YEAR END MEETING

The Town Board will hold an end of the year meeting on December 26, 2022 at 6 p.m. at the Town Municipal Office Building to conduct end of the year business.

With no further business, on a motion of Councilman Aucter, seconded by Councilman Schantz, the meeting was adjourned at 8:30 p.m. Carried unanimously.

Respectfully Submitted
Elizabeth B. Jones, RMC
Town Clerk/Tax Collector