

SPECIAL MEETING
December 28, 2023

The Special 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 28th day of December 2023.

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: Marcus Bush, Barry Lyndaker, Joanne Dicob, Jonathan Roes

Supervisor Keys called the meeting to order at 6:01 p.m. with the Pledge to the Flag. This meeting was called to conduct end of the year business and any other that comes before the board.

**RESOLUTION NO. 118 OF 2023
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 December 11, 2023 meeting are approved.

SITE PLAN REVIEW APP

At the December 8, 2023 meeting, the board reviewed SPRZPA No. 1-2023 submitted by Jordan Brandt for the expansion of Red Barn Meats. After review they determined additional information was required: update part 1. Section 3. on the short SEQR form with the correct acreage along with a detailed drawing of the proposed construction layout with existing buildings, well, etc. Mr. Brandt submitted all documents. After further review and discussion, the following resolution was presented.

**RESOLUTION NO. 119 OF 2023
ACCEPTANCE/REFERRAL OF SITE PLAN REVIEW APPLICATION NO. 1-2023**

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

WHEREAS, the Town Board of the Town of New Bremen reviewed Site Plan Review and Zoning Permit Application No. 1-2023, submitted by Jordan Brandt, for the proposed expansion of Red Barn Meats and construction of an approximately 4800 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 (owner Jordan Brandt), now therefore be it

RESOLVED, the Town of New Bremen accepts said application and designation as Lead Agency for said project and hereby refers SPRZPA No. 1-2023 with all documentation to the Lewis County Planning Board for their review and recommendations, and be it further

RESOLVED, the Town Board of the Town of New Bremen will hold a public hearing on February 12, 2024 at 6:30 p.m. at the Town Municipal Office Building to hear all interested parties for or against said application.

ZONING LAW

At the December 8, 2023 meeting, the board reviewed the Lewis County Planning Boards approval, with modifications, for the towns proposed Local Law No. 1 of 2023 entitled "Repealing Local Law No. 2 of 2021 – Solar Energy System Law and Local Law No. 1 of 2001 – Site Plan Review Zoning Law and replacing it with Local Law No. 1 of 2023, to be known as "The Town of New Bremen Zoning Law". Adoption was deferred at that time until a full board was present. The following resolution was presented.

RESOLUTION NO. 120 OF 2023

ADOPTION OF LOCAL LAW NO. 1 OF 2023 - TOWN OF NEW BREMEN ZONING LAW

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

WHEREAS, notice of public hearing was duly advertised in the Lowville Journal and Republican, official newspaper of the Town of New Bremen on November 1, 2023, and

WHEREAS, said public hearing was duly held on November 13, 2023 at 6:30 p.m. at the Town of New Bremen Municipal Building at 8420 State Route 812, Lowville, New York 13367 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of the Town of New Bremen that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Lewis County Department of Planning recommended approval of the proposed Local Law, with suggested modifications, on November 16, 2023, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the Town Board of the Town of New Bremen, after due deliberation, finds it in the best interest of said Town of New Bremen to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Bremen hereby adopts said Local Law No. 1 of the year 2023 to be known as the Town of New Bremen Zoning Law, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of New Bremen and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

COUNCIL REPORTS

Councilwoman Buell reported on the following with resolution to follow:

- ZBA - Tim Lee, ZBA member is interested in moving to the towns planning board when it becomes feasible and Jonathan Roes is interested in serving on the ZBA and would fill Mr. Lee's term if approved by the board. Mr. Roes expressed his interest to the board. Mr. Lee will need to submit his letter of resignation. She will be contacting the other interested planning board members to confirm their interest in serving, then reactivation of the planning board can be done by the town board.
- NBCIA2 – Received the certificate of its incorporation and noted the new 501c3 will be known as “ReNew Bremen Inc.”. Reached out to Attorney Farley concerning the legal fees incurred for its establishment, and whether the town board can expend budgeted funds that were slated for the NBCIA to cover those fees. No response as of yet.
- County-wide Complete Streets Plan – County is asking for support for the NYS DOT Carbon Reduction Program (CRP) Grant Application they will be submitting. Councilwoman Buell reviewed the plan which includes an area in the Hamlet of Beaver Falls for a sidewalk. Engineering is underway, but plans are not complete as of yet. Letters of support are due by January 6th.

Councilman Aucter reported on the following:

- Draft RFP for a new roof on the municipal building – submitted to the board for their review.
- Assessor Smith – he was unable to attend tonight's meeting, but plans to attend the January meeting.

Councilwoman Lyndaker reported on the following:

- Class C Stream Bill was vetoed. Good news for the town.
- Upcoming training at 3G Fire Hall in March to assist towns with the permitting process for culvert replacements.

After discussion, the following resolution was adopted.

**RESOLUTION NO. 121 OF 2023
LETTER OF SUPPORT**

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, to send a letter of support for the CRP Grant Application that the County of Lewis is submitting to the NYS DOT Region 7.

HIGHWAY

Highway Superintendent Herzig reported on the following:

- Submitted a report of spring/summer work completed in 2023.
- Equipment replacement plan – Supervisor Keys asked that he work on.
- CHIPS reimbursement funds have been received.

JUSTICE

Clerk Jones received a letter of resignation from Judge-elect, Samantha DeRycke, she has decided that she will not be able to accept the position of Town Justice. This will leave a vacancy effective 1/1/2024. Supervisor Keys notified Judge Karalunas, as directed by Judge Gideon, Special Counsel to the 5th Judicial District Town and Village Supervising Judges. Judge Gideon also forwarded a copy of section §60-a. Removal of Town Justices from Town Board, from Town Law, which states the town board can adopt a resolution, subject to permissive referendum, to reduce the number of town justices. An ad asking for letters of interest to fill the position was published in the Lowville J & R and on linkinglewiscounty website, with an end date for submission by January 31, 2024. Discussion followed. No action to be taken until after the end of January.

**RESOLUTION NO. 122 OF 2023
APPROVAL OF DESIGNATIONS FOR THE 2024 YEAR**

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

RESOLVED, that the following list of designations are hereby approved for the 2024 year:

- Regular Meetings of the Town Board – to be held on the 2nd Monday of the month at 6:30 p.m. at the Town Municipal Office Building
- Mileage Reimbursement Rate - .67 per mile
- Official Newspaper – Lowville Journal & Republican; also post to the linkinglewiscounty website
- Official Bank - Community Bank Lowville
- Bank Night Drop Deposits – Clerk/Collector, Supervisor, Justices are authorized to utilize
- Return Check Fee – for insufficient funds set at \$20

**RESOLUTION NO. 123 OF 2023
APPROVAL FOR PAYMENT OF BILLS PRIOR TO AUDIT**

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, Supervisor Keys has permission to pay certain utility bills (ex: health insurance, communications, electric, natural gas) prior to audit to avoid late fee charges.

AUDIT COMMITTEE

Councilwoman Lyndaker and Councilman Schantz both agreed to audit the 2023 books for Supervisor, Town Justice, Town Clerk and Tax Collector when records are available for inspection.

**RESOLUTION NO. 124 OF 2023
APPOINTMENTS**

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, that the following appointments are hereby approved:

- Court Clerk - Erin R. Murphy Term: 1/1/24 to 12/31/24
- DCO - Nicholas Astafan Term: 1/1/24 to 12/31/24
- Deputy DCO - John Young Term: 1/1/24 to 12/31/24
- Deputy DCO - Lindsay Hess Term: 1/1/24 to 12/31/24
- Deputy Highway Superintendent- Chris Adams Term: 1/1/24 to 12/31/27
- Highway Supt. Secretary – Elizabeth Jones Term: 1/1/24 to 12/31/27
- Deputy Supervisor – Joseph Aucter Term: 1/1/24 to 12/31/27
- Historian – Mitch Fidler Term: 1/1/24 to 12/31/27
- Registrar of Vital Statistics – Elizabeth Jones Term: 1/1/24 to 12/31/27
- Deputy Registrar – Aimee Murphy Term: 1/1/24 to 12/31/27
- Records Management Officer – Elizabeth Jones Term: 1/1/24 to 12/31/27

RECOGNITION OF SERVICE

Supervisor Keys presented Councilwoman Buell with the following resolution for her service. The board also would like to recognize Justice Errol A. Aucter for his 20 years of service.

**RESOLUTION NO. 125 OF 2023
IN HONOR OF CASANDRA M. BUELL, COUNCILWOMAN
FOR YOUR SERVICE & DEDICATION**

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

WHEREAS, Casandra M. Buell has served the Town of New Bremen with great distinction as a member of the Town Board since November 13, 2017, and

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

WHEREAS, throughout her time of service as Councilwoman, has served the people of this town with fairness and dedication, and therefore be it

RESOLVED, that we, the Members of the Town Board, do hereby extend to Councilwoman, Casandra M. Buell our sincere and grateful appreciation for her service to the Town of New Bremen, and our best wishes to her for continued success, happiness, and good health in the years to come.

**RESOLUTION NO. 126 OF 2023
IN HONOR OF ERROL A. AUCTER
FOR 20 YEARS OF SERVICE & DEDICATION**

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

On a motion of Supervisor Keys, seconded by Councilman Aucter, the following resolution was adopted,

WHEREAS, Errol A. Aucter has served the Town of New Bremen with great distinction as Town Justice since January 1, 2004, 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

(Special Meeting of December 28, 2023 con't.)

WHEREAS, throughout his many years of service as Town Justice, 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 the Honorable Justice, Errol A. Aucler 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.

BUDGET TRANSFERS

End of year transfers/budget amendments to balance out the 2023 year for overdrawn accounts, etc. Supervisor Keys asked for approval to transfer funds from the 2023 budget - \$40,000 earmarked for the new tandem, but still have not received, along with \$30,000 in the 2023 budget to be transferred to reserve fund. After review, the following resolution was presented.

**RESOLUTION NO. 127 OF 2023
APPROVAL FOR TRANSFER OF FUNDS**

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

RESOLVED, that Supervisor Keys is authorized to transfer \$30,000 from A9902.9 to Equipment Reserve Fund.

**RESOLUTION NO. 128 OF 2023
APPROVAL FOR TRANSFER OF FUNDS**

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

RESOLVED, that Supervisor Keys is authorized to transfer \$40,000 from DA5130.2 Equipment to Equipment Reserve Fund.

**RESOLUTION NO. 129 OF 2023
APPROVAL FOR BUDGET TRANSFER/AMENDMENTS**

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

RESOLVED, that Supervisor Keys is authorized to make the following budget transfers/amendments for overdrawn accounts:

- \$28.22 to A1110.4 – Justice Contractual
- \$583.68 to A1650.4 - Central Communications
- \$1189.69 to A9060.8 – Medical Insurance
- \$485.00 to A1320.4 – Accountant

AND BE IT, FURTHER RESOLVED, all funds are to be transferred from A1990.4 Contingent Fund.

**RESOLUTION NO. 130 OF 2023
AUDIT OF CLAIMS**

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

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #13 of 2023 in the following amounts.

General	Voucher #147 thru #150	\$9,863.72
Highway T-Wide	Voucher #118 thru #124	\$10,998.04
Highway T-Outside	Voucher #39	\$400.00



COUNTY SWEAR IN CEREMONY

County Legislators invited all newly elected officials to a swear in ceremony on January 2, 2024 from 4 to 5 p.m.

The next meeting of the Town Board of the Town of New Bremen will be held on January 8, 2024 at 6:30 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Schantz, seconded by Councilwoman Buell, the meeting was adjourned at 7:14 p.m. Carried unanimously.

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