

REGULAR MEETING  
December 11, 2023

**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 Building, 8420 State Rte. 812, New Bremen, New York on the 11<sup>th</sup> day of December 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: Barry Lyndaker, Joanne Dicob, Aimee Murphy – Justice, Charles Merrell, Marcus Bush, Jordan Brandt

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

**RESOLUTION NO. 102 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 November 13, 2023 meeting are approved.

**FLOOR - SITE PLAN REVIEW APP**

Jordan Brandt, 9095 Briot Rd., Croghan, New York, submitted Site Plan Review and Zoning Permit Application No. 1-2023 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, 147.00-01-18.210 (owner J. Brandt). Mr. Brandt is also in the process of purchasing 1.64 acres from Robert Keefer, Tax Map No. 147.00-01-05.000 which is adjacent to the aforementioned parcels. The expansion will consist of adding a store front, freezer storage, USDA smoke house, processing area, holding pens, cooler storage, employee and customer parking area.

The board reviewed said site plan review application and determined it to be incomplete and require further documentation for the boards review before the application can be accepted as complete.

- Adequately demonstrate that there is no potential for discharge from the construction site, a Storm Water Pollution Prevention Plan (SWPPP) will be needed to be covered under the SPDES Permit, as the affected acreage is over an acre according to the SEQR form submitted with the application.
- Update SEQR form to reflect the correct acreage of the construction site, which Mr. Brandt informed the board that it is under an acre and an error was made on the application when filling it out.
- Site plan showing how the building/expansion is to be laid out on the actual property with setbacks, parcel dimensions, etc.

Mr. Brandt submitted copies of plans to install a silt fence, which is required prior to construction per DEC. Mr. Brandt also noted that NationalGrid is in the process of installing a new 3-phase system. Mr. Brandt will revise his SEQR form and resubmit to the board with the additional documents for review at our end of the year meeting.

**RESOLUTION NO. 103 OF 2023**  
**JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

**JUSTICE**

The town board has been made aware of a potential vacancy in the justice court as of 1/1/2024. Judge Aucter is retiring and the judge-elect, whom we anticipate, will not be taking office. Charles Merrell, Supervising Judge for the Town and Village Courts of Lewis County came to explain the towns options if the judge-elect does not take office. He reviewed the options with the board.

- Appoint an attorney who resides within the township – they could take the bench immediately.
- Appoint an individual who resides within the township – they are required to take training before taking the bench. This training will not be offered again until April of 2024. They would then need to petition to run in the next general election in November of 2024 for a full 4-year term of office.
- Unified Court System can temporarily assign a justice to fill the position until it can be filled permanently. Although the town is responsible for his/her compensation.
- Town board can move to one justice.

Mr. Merrell suggested consulting with our town attorney and local representatives for the court system. He also suggested placing an ad in the towns designated paper asking for letters of interest to fill the position. Further discussion followed. The board thanked Mr. Merrell for his assistance in the matter. Mr. Merrell and Judge Murphy left at 7:02 p.m. After further discussion, the following resolution was presented.

**RESOLUTION NO. 104 OF 2023  
APPROVAL TO ADVERTISE**

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

RESOLVED, to advertise to fill the anticipated vacancy in the office of town justice. Ad is to be placed in the J & R and on linkinglewiscounty website.

**OPEN PUBLIC HEARING**

The Public Hearing for renewal of the New Bremen Fire Protection Contract was declared open at 7:14 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 contract; therefore, the public hearing was hereby closed at 7:15 p.m. by Supervisor Keys. The following resolution was presented.

**RESOLUTION NO. 105 OF 2023  
NEW BREMEN FIRE PROTECTION DISTRICT CONTRACT**

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 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, 2024 through December 31, 2025 unless terminated as per agreement.

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

**OPEN PUBLIC HEARING**

The Public Hearing for the renewal of the Lewis County Search and Rescue ambulance contract was declared open at 7:15 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 7:16 p.m. by Supervisor Keys. The following resolution was presented.

**RESOLUTION NO. 106 OF 2023  
SEARCH AND RESCUE AMBULANCE SERVICE CONTRACT**

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

WHEREAS, the Town Board of the Town of New Bremen did hold a public hearing on December 11, 2023 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 Lewis County Search and Rescue, Inc., to provide ambulance services to the Town of New Bremen and its residents for the 2024 year for a fee of \$6,899.71.

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

**ZONING LAW**

The 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” was referred to the Lewis County Planning Board, which was approved with suggested modifications. Councilwoman Buell reviewed all modifications with the town board, made changes to the proposed local law, as draft #4 and reviewed with the board. After review/discussion the board tabled final approval of said local law until the end of year meeting as a supermajority vote is needed for its adoption. Councilwoman Lyndaker is absent and Councilwoman Buell needs to recuse herself from the vote.

**COUNCIL REPORTS**

Councilman Aucter reported on the following:

- Contacted Adirondack Steel to obtain an estimate for a new roof on the municipal building. Discussion followed. He will have a draft RFP for the end of the year meeting for the board to review.

Councilwoman Buell reported on the following:

- NBCIA2 – paperwork is filed for the 501c3 certificate, waiting its receipt. Councilman Aucter questioned the ownership of the ballfield and the 100-year lease agreement with NBCIA, as the tax roll shows it listed under the NBCIA. Will need to be looked into further.

**RESOLUTION NO. 107 OF 2023  
TOWN CLERK’S MONTHLY REPORT**

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

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

**CLERK**

Clerk Jones reported on the following:

- William St. streetlight issue is resolved. The Village of Croghan agreed to take over the light pole at their November 8<sup>th</sup> meeting.
- Preparing for the upcoming tax collection season. Voucher on tonight’s abstract for \$120 for tax collector to cover the online tax payment fee for the year, as the company withdraws it automatically from the tax collector bank account the first week in January.

**RESOLUTION NO. 108 OF 2022  
AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS**

On a motion of Councilwoman Buell, seconded by Councilman Aucter, the following resolution was  
ADOPTED Ayes 4 Aucter, Buell, 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 \$533,000.00 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. 109 OF 2023  
FUEL PURCHASE FOR 2024 YEAR**

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

RESOLVED, the Town Board hereby accepts the fuel bid from Christman Fuel Service for the year 2024.

**ROAD DAMAGE**

Attorney Farley sent a form for release of all claims to be signed and sent to Dryden Mutual Insurance Co. Once received they will forward the settlement fee of \$8500 as agreed upon. Supervisor Keys completed and sent to Attorney Farley.

**HIGHWAY**

Highway Superintendent Herzig reported on the following:

- Truck #38 is back from repairs. Replaced the EGR Cooler.
- Loader tire repaired and ordered new backhoe tires.
- New tandem is now looking to be ready maybe by end of January.

**ASSESSOR**

Assessor Smith was not in attendance. Councilman Aucter will contact him and voice concerns the board has and request he attend the end of the year meeting and have a report for the board.

**VOLUNTEER FIREFIGHTER EXEMPTION**

Discussion followed concerning the volunteer firefighter's exemption. Councilman Aucter and Supervisor Keys expressed their concerns and feel more information is needed before we get committed. Assessor Smith advised Supervisor Keys to hold off and see how things shake out as changes will come through. Will look at the exemption again in August as a local law or resolution is required in order to make exemption changes and need to be finalized by November 1<sup>st</sup> per the real property tax office.

**RESOLUTION NO. 110 OF 2023  
DOG CONTROL OFFICER'S MONTHLY REPORT**

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

**RESOLUTION NO. 111 OF 2023  
AGREEMENT FOR DOG CONTROL OFFICER SERVICES**

On a motion of Councilman Aucter, seconded by Councilwoman Buell, the following resolution was  
ADOPTED Ayes 4 Aucter, Buell, Schantz, 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 2024 year.

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

**ZBA**

The term of office for Tim Lee, member of the Zoning Board of Appeals ends on 12/31/23. After discussion, the following resolution was presented.

**RESOLUTION NO. 112 OF 2023  
ZONING BOARD OF APPEALS REAPPOINTMENT**

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

RESOLVED, that Tim Lee is hereby reappointed as a member of the Zoning Board of Appeals for a 3-year term effective 1/1/24 thru 12/31/2026. Following is a list of members with their terms.

- Jessica Clemons - 6/13/22 through 12/31/2024
- McKenzie Lehman - 1/1/23 through 12/31/2025
- Tim Lee - 1/1/24 through 12/31/2026

**NO. 3 WATER DISTRICT**

The term of office for Gwenda Segovis, Water Commissioner for the No. 3 Water District ends on 12/31/23. After discussion, the following resolution was presented.

**RESOLUTION NO. 113 OF 2023  
WATER COMMISSIONER REAPPOINTMENT FOR  
NO. 3 WATER DISTRICT**

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

RESOLVED, that Gwenda Segovis is hereby reappointed as Commissioner of the No. 3 Water District for a 3-year term effective 1/1/24 thru 12/31/2026. Following is a listing of members with their terms.

- Francis Dicob – 1/1/22 to 12/31/24
- Brenda Dicob – 1/1/23 to 12/31/25
- Gwenda Segovis – 1/1/24 to 12/31/26

**EMPLOYMENT GUIDELINES**

The town board adopted Resolution No. 75 at the September 11, 2023 board meeting, that effective January 1, 2024, full-time highway employees will be reimbursed for the cost incurred for their DOT physical, annual or bi-annual as needed per employee. The guidelines need to be updated as such. Further discussion followed concerning holiday pay for the full-time temporary laborer position and the part-time laborer positions. Highway Superintendent Herzig feels it is only fair that if a part-timer works on a holiday they should receive due compensation for their time as well. The Board agreed, with the following sections to be added to the guidelines:

Highway Superintendent Herzig also asked to increase the full-time temporary laborer hourly wage rate from \$15.97 hr. to \$16.97 hr. He did plan for the increase when budgeting for the new year. After discussion, the following resolutions were presented.



**RESOLUTION NO. 114 OF 2023  
AMENDMENT TO THE EMPLOYMENT AND LIABILITY GUIDELINES**

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 the proposed changes to the Employment and Liability Guidelines as reviewed by the Board are hereby approved and listed as follows:

- 1. Section 5.1
  - a. Add: DOT Physical: full-time highway employees will be reimbursed for the cost incurred for their DOT physical, annual or bi-annual as needed per employee, by submitting a voucher along with a paid receipt to the highway superintendent.
- 2. Section 2.2 Holidays
  - a. Add: The full-time temporary laborer position is to receive holiday pay when working a holiday, as reflected in the above paid holiday schedule.
  - b. Add: The part-time laborer position is to receive time and a half when working a holiday, as reflected in the above paid holiday schedule.
- 3. Sub-section "B" Hourly Wage Listing for 2024
  - a. increase Deputy Superintendent to \$22.77 hr.
  - b. increase MEO to \$22.20 hr.
  - c. add new section for Full-Time Temporary Laborer position
  - d. increase Full-Time Temporary Laborer to \$16.97 hr.
  - e. increase Court Clerk to \$16 hr.

\*Amended guidelines to be distributed to employees

**SALARY/WAGE RATE FOR 2024**

The Board reviewed the salary/wage rate schedule for the highway employees, appointed and elected officials for 2024. Need to add budget officer to the list. After discussion, the following resolution was presented.

**RESOLUTION NO. 115 OF 2023  
SALARY/WAGE RATE SCHEDULE FOR 2024 FOR  
HIGHWAY EMPLOYEES, APPOINTED & ELECTED OFFICIALS**

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

Supervisor	Peter J. Keys	\$12,000.00	Monthly
Town Clerk	Elizabeth B. Jones	24,000.00	Monthly
Justice	Aimee L. Murphy	9,550.50	Monthly
Justice	"anticipated vacancy"	9,550.50	Monthly
Highway Supt.	Douglas E. Herzig II	55,700.00	Monthly
Councilman	Joseph E. Aucter	3,000.00	Quarterly
Councilman	Alexis L. Lyndaker	3,000.00	Quarterly
Councilman	Thomas Schantz	3,000.00	Quarterly
Councilman	Marcus Bush	3,000.00	Quarterly
Assessor	Paul E. Smith	24,600.00	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	16.00/hr.	Monthly
Historian	"new appointment to come"	300.00	Annual (Dec)
Hwy. Supt. Secretary	Elizabeth B. Jones	600.00	Annual (Oct)
Attorney	Timothy A. Farley	5,000.00	Monthly
Budget Officer	Peter J. Keys	500.00	Annual (Dec)



**Highway Employees – New Wages start with Payroll No. 1 - 12/8/23 to 12/21/23**

Christopher R. Adams, Dep. HS/MEO	\$22.77 hr. - \$34.16 OT
Jonathan L. Campeau, MEO	\$22.20 hr. - \$33.30 OT
Shane D. DeRycke, MEO	\$22.20 hr. - \$33.30 OT
Brandon C. Atwood, MEO	\$22.20 hr. - \$33.30 OT
Stephen W. Jones, MEO	\$22.20 hr. - \$33.30 OT

**Part Time Highway Employees**

FT Temporary Laborer - \$16.97 hr. - \$25.46 OT
PT Laborer - \$15.97 hr. - \$23.96 OT
PT MEO w/CDL - \$17.70 hr. - \$26.55 OT

**Insurance Stipend**

\$1000.00 annually - Paid out on quarterly basis: March, June, Sept, Dec

- Douglas E. Herzig II, Hwy. Supt.
- Christopher R. Adams, MEO
- Brandon C. Atwood, MEO
- Stephen W. Jones, MEO

**RESOLUTION NO. 116 OF 2023  
SUPERVISOR’S MONTHLY 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.

**RESOLUTION NO. 117 OF 2023  
AUDIT OF CLAIMS**

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 the bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment in the following amounts. The report of prior to audit payments for insurance, utilities and comptroller fees for justice court was also reviewed and approved.

General	Voucher #135 thru #146	\$10,545.00
Highway T-Wide	Voucher #105 thru #117	\$24,646.67
Highway T-Outside	Voucher #38	\$18,256.48
Insurance - \$9,672.68		
Utilities - \$1,798.21		
Comptroller - \$1,562.00		

**YEAR END MEETING**

The Town Board will hold an end of the year meeting on December 28, 2023 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 Councilwoman Buell, seconded by Councilman Schantz, the meeting was adjourned at 8:44 p.m. Carried unanimously.

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