

REGULAR MEETING  
FEBRUARY 10, 2020

**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 10<sup>th</sup> day of February 2020.

Town Officer's Present: Joseph E. Aucler, Deputy Supervisor/Councilman  
David L. Becker, Councilman  
Casandra M. Buell, Councilwoman  
Alexis L. Lyndaker, Councilwoman  
Douglas E. Herzig II, Hwy. Superintendent  
Elizabeth B. Jones, Clerk

Absent: Peter J. Keys, Supervisor

Attended by: John Young - Deputy DCO, Ian Gilbert – Co. Legislator and 3 other individuals

Deputy Supervisor Aucler called the meeting to order at 6:32 p.m. with the Pledge to the Flag.

**RESOLUTION NO. 15 OF 2020  
APPROVAL OF MINUTES**

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

RESOLVED, the minutes of the January 13, 2020 meeting are approved.

**RESOLUTION NO. 16 OF 2020  
DCO MONTHLY REPORT**

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

RESOLVED, the DCO monthly report is approved as submitted.

**COUCIL REPORTS**

Councilwoman Buell - No formal letters of interest in the planning board or zoning board of appeals have been received yet, but did have a couple verbal interests.

Councilwoman Lyndaker - 10<sup>th</sup> Annual Black River Watershed Conference to be held at Savory Downtown, Watertown, NY on June 3 – 4<sup>th</sup>. All are encouraged to attend.

**RESOLUTION NO. 17 OF 2020  
TOWN CLERK & COLLECTOR'S MONTHLY REPORTS**

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

RESOLVED, the Town Clerk & Tax Collector's monthly reports are approved as submitted.

**TAX COLLECTION SYSTEM**

Collector Jones gave an update on the new tax collection system. The credit card/eCheck payment option is becoming more and more of a royal headache. Two companies are taking direct-debit payments for their services directly from the Tax Collector's checking account, which they were instructed "will NOT and should NOT" happen and they should be billing the Town via paper invoice so it can be paid from the Collector's contractual account. We were also told the fee was \$10 a month. So far Bankcard direct debited \$120 (credit card services) and Jack Henry & Associates also direct

debited \$5 (eCheck services) from the collector's bank account. The bank stopped payment on both transactions and have resolved the issue with Jack Henry & Associates. Jesse Conway at Systems East is still working to resolve the debit by Bankcard. In the beginning we were told a paper invoice would not be a problem. Received 55 tax installment payments out of approximately 1600 parcels and received a couple overpayments with refunds being issued, but the TCS system does not track or handle overpayments and refunds well. Continuing to find more issues with the program and the receipts/bills printed by the County. Definitely needs work next year.

## **HIGHWAY**

Highway Superintendent Herzig reported on the following:

1. Old Backhoe sold on Auctions International for a high bid of \$12,200.00, received a paid invoice from them on 1/27/20, and should receive the check in about 3 weeks. Was picked up on 2/1/20 by Johnson Lumber (high bidder). Board needs to formally accept the bid by resolution.
2. Co. Highway Superintendent Shaw stopped to ask if the Town would now just sweep Convent Street and the Kirscherville Road and they would do the rest of the county roads. Mowing of all county roads would be done by the Town and the Town would bill the county and if the County does work for the Town they would bill us for work completed by them.
3. Milton CAT did diagnostic testing on 2014 Cat Loader - bad EGR valve, ordered new valve \$1600.00.
4. Results of diesel fuel samples sent for testing from Christman came back very similar to Simpsons.
5. Repairs made to v-plow on dually pickup. It will also need 6 new tires as old ones are bald and won't make it until new dually pickup arrives.
6. Continuing to work on fitting old broom to the new backhoe and build a new shield for the front.
7. Don Morey from Bridge NY contacted me to see if the Town was interested in pursuing the bridge projects that were applied for but denied for replacement/repairs last year through the program. He will assist in restarting the process and resubmit to the program. The state would cover 85% to 90% of the cost.
8. Received email inquiring if the Town was interested in having summer youth workers once again.
9. Started cutting brush and trees on Muncy Rd.
10. Need to advertise for bid for bank run gravel.
11. Notified the Board of Chris Murphy's last day of employment will be April 2, 2020 and final working day is February 13, 2020. He will be using his weeks of vacation time, etc. to take him through April 2<sup>nd</sup>. Will need to advertise to hire new highway employee.

Discussions of the following:

1. Sweeping and mowing of county roads - Councilman Aucter stated it's ultimately the decision of Highway Superintendent Herzig but feels whatever decision is made should be in writing between the County and Town and a resolution by the Town Board. Will wait for the county's response.
2. Bridge NY program - the Board agreed Highway Superintendent Herzig should contact Mr. Morey for assistance to move forward with the application process for resubmission to Bridge NY.
3. Summer youth workers - Highway Superintendent Herzig is hesitant in having summer youth workers as they are to be supervised at all times and is responsible for them and their safety. The Board feels the opportunity to have free help should not be passed up. He will obtain more information and look in to further.

### **RESOLUTION NO. 18 OF 2020 ACCEPT BID FOR PURCHASE OF 1996 NEW HOLLAND BACKHOE**

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

WHEREAS, the 1996 New Holland Backhoe was advertised for bid on Auctions International website as approved by the Town Board, now therefore be it

RESOLVED, the high bid of \$12,200.00 for the purchase of said backhoe is hereby accepted.

**RESOLUTION NO. 19 OF 2020  
ADVERTISE FOR BANK RUN GRAVEL**

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

RESOLVED, that Highway Superintendent Herzig is authorized to advertise for bids for bank run gravel in the Journal and Republican for 1 week. Bid opening is set for March 9, 2020 at 6:30 p.m. at the Town Municipal Office Building.

**RESOLUTION NO. 20 OF 2020  
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

**COUNTY**

Ian Gilbert, Legislator for District No. 4 briefed on happenings at the County:

1. Upcoming public hearing on proposed local law - Regulating and Permitting Special Events on County Roads, Trails or Other County Property – permit fees from \$10 to \$100 depending on the size of the event.
2. LCGH critical care status could be in jeopardy due to change in road designation by the state DOT.
3. Second Amendment Sanctuary – large group petitioned them for support.

**TOWN POLICIES**

The Board reviewed the following Town policies – Code of Ethics, Credit Card Use, Cyber, Employment and Liability Guidelines, Fund Balance, Investment, Mileage Reimbursement, Procurement Policy and Procedure, Sexual Harassment and Work Place Violence. This lead to the below discussions.

**IT DISCUSSION**

Councilwoman Buell suggested looking in to a shared services program with the county for Information Technology or IT services to assist with the transition process of email addresses, cell phones, computers etc., when an employee resigns or vacates their position or office. There seems to be issues with the non-transferring of the email address previously used by Highway Superintendent Bush and concerns that the Highway Department is not receiving all emails, due to the change and new email for the highway department. Mr. Bush has been forwarding emails to Highway Superintendent Herzig. Questions also arouse concerning previous Highway Superintendent Bush and whether the cell phone he left office with was a Town owned cell phone. Discussion followed. Councilman Aucter will look into both situations further.

Councilwoman Lyndaker suggested amending the Employment and Liability Guidelines to address time cards, resignations and town property. It was suggested she draft an amendment for the Board to review at the next regular meeting.

Sexual harassment and workplace violence training dates to be set after Supervisor Keys returns. After discussion, the following resolution was presented.

**RESOLUTION NO. 21 OF 2020  
TOWN POLICIES**

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

RESOLVED, to approve all policies with the suggested changes and proposed amendment coming to the Employment and Liability Guidelines for next month for possible approval.

**AUDIT OF BOOKS**

Auditing Committee reported that the audit of the Clerk, Tax Collector, Justices and Supervisor 2019 records are complete and they looked to be in good order. After discussion, the following resolution was presented.

**RESOLUTION NO. 22 OF 2020  
AUDIT OF BOOKS**

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

RESOLVED, that the Town Board of the Town of New Bremen, Lewis County, did audit and approve books of accounts for the Town Clerk, Tax Collector, Town Justices and Town Supervisor for the 2019 year and found them to be in good order, correct and true.

\*Copy of said audits are incorporated at the end of these minute proceedings.

**RESOLUTION NO. 23 OF 2020  
ENERGY SUPPLIER AGREEMENT**

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

RESOLVED, that the Town Board authorizes Deputy Supervisor Aucter to sign and enter into a New York Electric Energy Agreement with ENGIE Resources LLC, 1990 Post Oak Blvd, Houston, TX 77056; at a fixed rate of .058; contract term 3/1/20 through 2/1/21.

**SOLAR**

Attorneys for the New Bremen Solar Project have started the Article 10 process for the proposed 100-MWac solar powered electric generating facility to be located in the Town of New Bremen.

**DEC**

Received a notice from the NYS DEC stating they have opened an investigation against Lyndaker Excavating & Trucking regarding a solid waste violation.

**RESOLUTION NO. 24 OF 2020  
SUPERVISOR'S FINANCIAL REPORT**

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

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

**RESOLUTION NO. 25 OF 2020  
AUDIT OF CLAIMS**

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

RESOLVED, that Deputy Supervisor Aucter is authorized and directed to pay the following amounts on Abstract #2 of 2020 and also approved the report of prior to audit payments for insurance, utilities, comptroller for justice court, etc., submitted by Supervisor Keys.



General	Voucher #14 thru #24	\$2,251.07
Highway T-Wide	Voucher #9 thru #27	\$10,827.65
Highway T-Outside	Voucher #3	\$121.00
H. Insurance - \$9,038.05	Utilities - \$2,507.09	

The next meeting of the Town Board of the Town of New Bremen will be held on March 9, 2020 at 6:30 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Becker, seconded by Councilwoman Buell, the meeting was adjourned at 8:18 p.m. Carried unanimously.

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Elizabeth B. Jones, RMC  
Town Clerk/Tax Collector