

REGULAR MEETING  
FEBRUARY 14, 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 Building, 8420 State Rte. 812, New Bremen, New York on the 14<sup>th</sup> day of February 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: Clair and Gwenda Segovis – Water Commissioner

Supervisor Keys called the meeting to order at 6:34 p.m. with the Pledge to the Flag.

**RESOLUTION NO. 13 OF 2022**  
**APPROVAL OF MINUTES**

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 minutes of the January 10, 2022 meeting are approved.

**FLOOR**

Supervisor Keys opened the floor to Clair and Gwenda Segovis, 7605 Number Four Road. Gwenda, Water Commissioner for the #3 Water District received a letter from the Town Board concerning Tom Gray's water pressure issue and asked the Board for clarification. Discussion followed. The Board thanked the Segovis' for their time and concern.

**COUNCIL REPORTS**

Councilman Aucter reported on the following:

1. Received a call from Gary Buckingham, Jr. complementing our Highway Department with a great job they are doing. He also voiced his concerns on appointing a new assessor.

Councilwoman Buell reported on the following:

1. Town received the grant from Pratt Northam Foundation she applied for in November for \$6,264.23 to purchase 4 - trash receptacles and recycling centers, 1 - pet waste station, 5 – picnic tables and mulch.
2. Jeff Van Arsdale, a local goat farmer is interested in sponsoring our goat mural in the park. He would like to install and maintain landscaping around the mural. The Board thinks it's a great idea.
3. Working on obtaining quotes for lights for the "lights on the trail project". Will contact ClearPath Energy to submit for their review and consideration.
4. RACOG – ZBA is in limbo. Spoke with Town of Croghan and Diana on a shared ZBA with them. Waiting to hear back.

Councilwoman Lyndaker reported on the following:

1. Audit of Supervisor, Justices, Town Clerk and Tax Collector's 2021 records is complete. Board approval of the audit to follow.
2. ARPA – have not received any letters of interest from local business owners or non-for profit organizations looking to receive Town ARPA funds. Discussed spending ARPA funds on government services, which has changed and can be used on administrative facilities such as the town municipal building which is in need of some updates. Supervisor Keys also spoke with the accountant on said subject.

**AUDIT OF BOOKS**

Auditing Committee reported that the audit of the Clerk, Tax Collector, Justices and Supervisor 2021 records are complete and they looked to be in good order. After discussion, the following resolution was presented.

**RESOLUTION NO. 14 OF 2022  
AUDIT OF BOOKS**

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, 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 2021 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. 15 OF 2022  
TOWN CLERK & TAX COLLECTORS 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 Town Clerk and Tax Collectors monthly reports are approved as submitted.

Supervisor Keys reported that all tax revenues were collected and deposited in the appropriate accounts for 2022.

**BEAVER FALLS WATER DISTRICT**

Reviewed the 2022 Agreement for Water Service between the Village of Croghan and the Beaver Falls Water District. After discussion, the following resolution was presented.

**RESOLUTION NO. 16 OF 2022  
WATER SERVICE AGREEMENT**

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

RESOLVED, that Supervisor Keys is authorized to sign the 2022 Agreement for Water Service between the Village of Croghan and the Beaver Falls Water District and that a copy of said contract be on file in the Clerk's office.

**HIGHWAY**

Highway Superintendent Herzig reported on the following – resolutions are listed after.

1. Pickup – being built and should be delivered in March.
2. Gravel Bid - asked for permission to advertise for bank run gravel for the 2022 year.
3. Dept. of Labor Inspection – Received the official “Notice of Violation and Order to Comply” on February 1, 2022. Several items have already been remedied and currently working on the training portion, which is required to be “per site” training as every “site” is set up differently. Bucket truck training is required to be done by a certifier in that field. Chain hoist needs to be inspected. New fuel shed discussion – Mr. Herzig was asked to obtain three (3) quotes for an open fuel shed design and get approval from the NYS Dept. of Labor. All violations need to be remedied by June 17, 2022. The Board authorized advertisement for bids for the construction of a new fuel shed to meet DEC and PESH guidelines.
4. NY Bridge Grant – all three (3) box culvert replacements submitted were denied once again.
5. Local Roads Day is virtual again this year.
6. Trout Unlimited is interested in progressing with a funding application to support the replacement of the culvert on a tributary to Black Creek, on Brewery Rd. The funding is a federal source that does not require a match, however, is encouraged to increase the probability of the application being accepted. Cost of the project is approximately \$120,000 with construction taking 1-2 weeks to complete. They are asking for the Boards support to move forward with the application and ask to provide any match in the form of in-kind services such as trucking, re-vegetation, traffic control, paving, etc.
7. Supervisor Keys asked Highway Superintendent Herzig to obtain quotes for a new tandem for the Boards review.

**RESOLUTION NO. 17 OF 2022  
ADVERTISE FOR BANK RUN GRAVEL**

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, 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 14, 2022 at 6:30 p.m. at the Town Municipal Office Building.

**RESOLUTION NO. 18 OF 2022  
TROUT UNLIMITED - CULVERT REPLACEMENT FUNDING APPLICTAION**

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, that the Town Board hereby authorizes a letter of support from the Town for the replacement of the culvert on a tributary to Black Creek, located on the Brewery Rd., with the understanding the Town will provide no financial services, only in-kind services for the project.

**NBCIA**

The Board still has not received any type of communication from Robin Houppert, President of the New Bremen Community Improvement Association (NBCIA) concerning reports, funding, food shack etc. A resident of New Bremen has shown interest in running the food shack, etc. Discussion followed. Being the association is a non-for profit organization, Supervisor Keys will contact Attorney Farley for further guidance.

**RESOLUTION NO. 19 OF 2022  
JUSTICES MONTHLY REPORTS**

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, the Justices monthly reports are approved as submitted.

**HUMANE SOCIETY**

Received a bill from the Lewis County Human Society for impoundment fees incurred on 11/13/21 for a dog picked up for running at large. The owner was contacted by DCO Astafan as the dog was licensed, but past due. The owner did not redeem the dog, therefore, relinquishing it to the Humane Society. The dog was adopted out. DCO Astafan feels the Town should not be liable to pay the impoundment fee of \$100 because the owner was notified. After discussion, the following resolution was presented.

**RESOLUTION NO. 20 OF 2022  
LEWIS COUNTY HUMANE SOCIETY BILL APPROVAL**

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, to put the LCHS bill for impoundment fees for 11/13/21 on March's abstract for payment.

**LEASE AGREEMENT LCHS**

Councilman Aucter drafted a letter to the LCHS stating the Boards interest in updating our Lease Agreement with them. DCO Astafan researched the Towns dog control law, Section 7. Procedure for Seizure of Dogs (b), finding conflicts between our local law and NYS Ag & Markets law. No action at this time.

**RESOLUTION NO. 21 OF 2022  
DCO MONTHLY REPORT**

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 DCO monthly report is approved as submitted.

**SOLAR PROJECT**

Due to our current legal representatives, Jim Burrows and Ian Gilbert, leaving Conboy Law Firm, the Town is need of new legal representation for the New Bremen Solar Project. Mr. Burrows and Mr. Gilbert are offering their services to continue representing the Town of New Bremen under the same arrangement and fee structure as before, with most, if not all, of its legal and engineering expenses reimbursed from the Local Agency Funds. Status of the project is not clear at the moment. The Article 10 proceeding was officially closed on January 12, 2022 and the 94-C application is still listed as pending by the Department of Public Service. After discussion, the following resolution was presented.

**RESOLUTION NO. 22 OF 2022**

**LEGAL REPRESENTATION OF THE NEW BREMEN SOLAR PROJECT**

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 New Bremen Town Board hereby accepts them as the Towns legal representative for the New Bremen Solar Project, contingent on access to intervener funds for the project.

**ASSESSOR**

Assessor Ball submitted his letter of resignation effective March 31, 2022, but since decided to leave without notifying the Town. Therefore, the following resolution was presented.

**RESOLUTION NO. 23 OF 2022**

**ASSESSOR RESIGNATION - ACCEPTANCE**

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 Town Board hereby accepts Assessor Ball's resignation and hereby declares a vacancy in the Office of Sole Assessor. Term of office ends 9/30/25.

**LEVEL OF ASSESSMENT CERTIFICATION**

All assessing units in NY are required to transmit their stated uniform percentage of value to the county prior to production of the tentative assessment roll. Candy Akin, County Real Property Services Director spoke with Supervisor Keys and instructed that due to the current assessor vacancy he can complete and sign the certification form and return to her office. After discussion, the following resolution was presented.

**RESOLUTION NO. 24 OF 2022**

**LEVEL OF ASSESSMENT CERTIFICATION FORM**

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, that Supervisor Keys is hereby authorized to complete and sign the Level of Assessment Certification Form for the Town of New Bremen.

**SOLE ASSESSOR**

Received three (3) applications for the assessor position. One has since pulled his application. Councilman Aucter will contact the two remaining candidates to set up the interviews. After discussion, the following resolution was presented.

**RESOLUTION NO. 25 OF 2022**

**SPECIAL MEETING**

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 will hold a special meeting on Monday, February 28<sup>th</sup> at 6:00 p.m. to interview the two candidates for the assessor vacancy.

**TOWN POLICIES**

The Board reviewed the following Town policies – Code of Ethics, Credit Card Use, Cyber, Fund Balance, Investment, Mileage Reimbursement, Procurement Policy and Procedure, Sexual Harassment and Work Place Violence. It was suggested that increasing the “estimated amount of purchase contract” from \$3,000 to \$5,000, before an RFP is required would be beneficial due to inflating prices. No revisions were suggested for the other policies. After review/discussion, the following resolution was presented.

**RESOLUTION NO. 26 OF 2022  
TOWN POLICIES**

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 Board hereby approves all Town policies with amendment being made to the Procurement Policy increasing the “estimated amount of purchase contract” from \$3,000 to \$5,000, before an RFP is required.

\*Copy of said amended policy incorporated at the end of these minutes.

**EMPLOYEMENT GUIDELINES**

The Board would like to meet with all highway employees to fully review the Employment and Liability Guidelines to discuss wages, etc. Discussed keeping the probationary period for new hires at six (6) months, but give full discretion to the Highway Superintendent to sign off on the probationary period if their job performance is more than adequate. Will set up a meeting prior to budget season.

**RESOLUTION NO. 27 OF 2022  
SUPERVISOR’S MONTHLY FINANCIAL REPORT**

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 Supervisor’s monthly financial report is approved as submitted.

**RESOLUTION NO. 28 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 #2 of 2022 and also approved the report of prior to audit payments for health insurance, utilities, comptroller and Nationwide Insurance.

General	Voucher #12 thru #30	\$3,835.90	
Highway T-Wide	Voucher #10 thru #18	\$45,593.18	
H. Insurance - \$10,174.38	Utilities - \$2,621.30	Comptroller - \$2,159	Nationwide Insurance - \$6,466

**NEW BUSINESS**

Supervisor Keys will be on vacation out of state starting February 21<sup>st</sup>.

The next regular meeting of the Town Board of the Town of New Bremen will be held on March 14, 2022 at 6:30 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilwoman Buell, seconded by Councilwoman Lyndaker, the meeting was adjourned at 8:56 p.m. Carried unanimously.

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