REGULAR MEETING FEBRUARY 13, 2023



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 13th day of February 2023.

Town Officer's Present: Joseph E. Aucter, Deputy Supervisor

Casandra M. Buell, Councilwoman Alexis L. Lyndaker, Councilwoman Thomas J. Schantz, Councilman

Douglas E. Herzig II, Hwy. Superintendent

Elizabeth B. Jones, Clerk

Absent: Peter J. Keys, Supervisor

Attended by: Judge Aucter, Joanne Dicob, Jacqueline Mahoney - County Recreation Forestry & Parks Director

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

RESOLUTION NO. 12 OF 2023 APPROVAL OF MINUTES

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

RESOLVED, the minutes of the January 9, 2023 meeting are approved.

FLOOR

Jackie Mahoney, Director of Recreation Forestry and Parks came to speak on the county's event law - Local Law No 3-2022 which requires a large event to obtain a permit (fee is \$20), issued through her office if they will be using county roads or trails for said event. The permit makes them aware of what's happening and allows them to address any safety concerns. The town, emergency management, Sheriff's Dept., and DOT will be notified of an event and will have input on whether or not a permit should be issued. If the town opts-in to the county's local law, the IMA (inter-municipal agreement) lumps in with the permit and addresses any issues that may occur with parking, emergency services etc. There are approximately 6 towns/villages that opted in thus far.

Councilwoman Lyndaker spoke with other highway superintendent's and they were confused as to why a town would not want to opt-in as it costs nothing to the town. Why aren't we being proactive? What's the harm of opting-in?

Deputy Supervisor Aucter asked for Highway Superintendent Herzig opinion. Mr. Herzig stated it was discussed at their highway superintendent meeting. It was very vague and seemed to stem directly from the snirt run. We have not seen any damage in the town, not even from sled crossings. Mrs. Mahoney stated she has no problem paying for sled crossings, but probably not the same spot three (3) years in a row.

Further discussion followed as there are mixed feelings amongst the board members towards opting-in.

Deputy Supervisor Aucter would like it on record that our highway superintendent doesn't see where this is a viable option for us. Councilwoman Buell agreed and wanted on record also. Highway Superintendent Herzig stated he has not seen damage, but has no vote in the matter. After discussion, the following motion was presented.

On a Motion made by Councilwoman Lyndaker, seconded by Councilwoman Buell, that the Town of New Bremen hereby opts-in to the County's Local Law No. 3-2022.

Ayes 2 Lyndaker, Buell

Nays 2 Aucter, Schantz

Tied vote Motion not carried. The Board thanked Mrs. Mahoney for her time. She left the meeting at 6:47 p.m.

(Regular Meeting of February 13, 2023 con't.)



COUNCIL REPORTS

Councilwoman Buell reported on the following:

- 1. NBCIA Spoke with Deanna Nelson of the district attorney's office concerning the NBCIA. There is no record of them being a registered 501c3. She traced the DOS# which is now registered under Gary Sparks at 9188, Deveines Road. Which is the Houppert residence. They are going to issue a letter for more information as she is very puzzled and has never seen anything like this with a DOS# before and has raised red flags. Supervisor Keys asked in an email of possibly reorganizing the association and creating a secondary one. There are issues with land ownership and lease agreements under the current NBCIA. The Board will wait to hear back from the district attorney's office on their findings before moving forward.
- 2. County Administration Plan county is working on a shared services program for posting e-codes online for municipalities, along with sub-websites if they are interested. Coughlin Printing to provide the websites, which the county will cover the cost of for five (5) years. Information will be sent out soon to all municipalities within the county.
- 3. Job Descriptions should we look into creating job descriptions for highway positions? May help with future hiring and finding qualified candidates. Exit interviews may also be a useful tool to determine if there are issues within the department that need to be addressed. Could also assist the town board with future decision making for determining health benefits and pay rates for employees. Highway Superintendent Herzig stated he currently keeps files for employees on probation and reviews them every couple of weeks.

Councilwoman Lyndaker reported on the following:

- 1. Audits completed the audit of Clerk, Tax Collector, Justices and Supervisor 2022 records which were in good order, with the exception of the Supervisor not signing and dating the reconciliation summary statements after reviewing them. The Board recommends this be done. Approval of the audit to follow.
- 2. Community Mural the Duflo's originally approved putting the community mural on their barn at the airport, but changed their mind after concerns with people wanting to take pictures with the mural and being on their property. So back to the drawing board in possibly resizing the mural to fit on the store. They will be contacting Scott Mathys to discuss further.

RESOLUTION NO. 13 OF 2023 TOWN CLERK & TAX COLLECTORS MONTHLY REPORTS

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

RESOLVED, the Town Clerk and Tax Collectors monthly reports are approved as submitted.

Deputy Supervisor Aucter reported that all tax revenues were collected and deposited in the appropriate accounts for 2023.

HIGHWAY

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

- 1. Gravel Bid asked for permission to advertise for bank run gravel for the 2023 year.
- 2. Tom Lee Retirement Mr. Lee submitted his written notice stating his intention to retire. March 1, 2023 he will start using his accrued vacation, personal and comp time which will be exhausted on April 28th. Mr. Herzig would like permission to hire before Mr. Lee's last day as being down a man for several weeks will make it difficult for sweeping. This will allow time to train with the possibility of getting the new hire in the snow plow yet this winter. Discussion followed concerning budget funds to cover the extra man during that time period and should not be a problem.
- 3. Bridge NY Program County submitted the application, on behalf of the Town, for replacement of the box culvert located on the Erie Canal Road over Murmur Creek by Randy Peters, the bridge on Lomber Road, along with the twin bridges on Erie Canal Road.
- 4. Culvert Replacement replacement of the culvert on a trout stream located on the Brewery road was approved to be replaced with an open box culvert by Trout Unlimited with a start date in May/June of 2024. They did ask for in-kind services from the highway department, which Highway Superintendent Herzig agreed on trucking, signage and paving the approaches. He will also be contacting landowners involved to obtain permission.

(Regular Meeting of February 13, 2023 con't.)



- 5. Fuel Tanks Docteur started the installation of the new fuel tanks. They will clean, cut and take the old tanks to the scrap yard and give the money to Mr. Herzig. They are required to obtain a slip for proof of scrapping for their records and the towns.
- 6. CHIPS submitted the paperwork for reimbursement through CHIPS for the new John Deere Tractor.

RESOLUTION NO. 14 OF 2023 ADVERTISE FOR BANK RUN GRAVEL

On a motion of Councilwoman Buell, seconded by Councilman Schantz, the following resolution was ADOPTED Ayes 4 Aucter, Buell, Lyndaker, Schantz 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 13, 2023 at 6:30 p.m. at the Town Municipal Office Building.

RESOLUTION NO. 15 OF 2023 NEW MEO HIRE

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

RESOLVED, that Highway Superintendent Herzig is authorized to hire and fill the position of MEO once he has a viable candidate, with a start date of March 3rd.

RESOLUTION NO. 16 OF 2023 JUSTICES MONTHLY AND ANNUAL REPORTS

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

RESOLVED, the Justices monthly and annual reports are approved as submitted.

JUSTICE

Errol Aucter, Town Justice informed the Board he will not be seeking re-election. His term ends December 31, 2023 and will have twenty (20) years of service as Town Justice with the Town of New Bremen. The Board thanked Judge Aucter for his years of service. Left the meeting at 7:30 p.m.

RESOLUTION NO. 17 OF 2023 DCO MONTHLY REPORT

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

RESOLVED, the DCO monthly report is approved as submitted.

RESOLUTION NO. 18 OF 2023 AUDIT OF BOOKS

On a motion of Councilwoman Buell, seconded by Councilman Schantz, the following resolution was ADOPTED Ayes 4 Aucter, Buell, Lyndaker, Schantz 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 2022 year and found them to be in good order, correct and true, and be it further

RESOLVED, that the Town Board hereby recommends the Supervisor date and sign the reconciliation summary statements after reviewing them.

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



BEAVER FALLS WATER DISTRICT

Reviewed the 2023 Agreement for Water Service between the Village of Croghan and the Beaver Falls Water District. After discussion, the following resolution was presented.

RESOLUTION NO. 19 OF 2023 WATER SERVICE AGREEMENT

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

RESOLVED, that Deputy Supervisor Aucter is authorized to sign the 2023 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.

NYCLASS

Deputy Supervisor Aucter reported that the Town is all set up with money transferred into the NYCLASS program and should start seeing interest accruing.

COUNTY

Received a check for \$41,813.45 for the county snow and ice control agreement.

PARK SIGNAGE

Discussed posting signs at the park stating the park being closed at a specific time to deter inappropriate use of the grounds as there has been a couple issues in the past. Possibly use some of the grant money from AES for a security system also. Deputy Supervisor Aucter will discuss the Boards concerns with the Lewis County Sheriff's department and get their input.

RESOLUTION NO. 20 OF 2023 SUPERVISOR'S MONTHLY FINANCIAL REPORT

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

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

RESOLUTION NO. 21 OF 2023 AUDIT OF CLAIMS

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

RESOLVED, that Deputy Supervisor Aucter is authorized and directed to pay the following amounts on Abstract #2 of 2023 and also approved the report of prior to audit payments for health insurance, utilities and comptroller.

 General
 Voucher #22 thru #35
 \$3,733.51

 Highway T-Wide
 Voucher #9 thru #2
 \$35,631.44

 Highway T-Outside
 Voucher #3 thru #4
 \$974.51

H. Insurance - \$10,269.77 Utilities - \$3,027.93 Comptroller - \$1,746.00

The next meeting of the Town Board of the Town of New Bremen will be held on March 13, 2023 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 8:05 p.m. Carried unanimously.

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