

REGULAR MEETING
FEBRUARY 12, 2024

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 12th day of February 2024.

Town Officer's Present: Joseph E. Aucter, Deputy Supervisor
Alexis L. Lyndaker, Councilwoman
Thomas J. Schantz, Councilman
Marcus C. Bush, Councilman
Douglas E. Herzig II, Hwy. Superintendent
Elizabeth B. Jones, Clerk

Absent: Peter J. Keys, Supervisor

Attended by: Barry Lyndaker – Legislator, Joanne Dicob, Randy Aucter, Jordan and Rachel Brandt

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

RESOLUTION NO. 12 OF 2024
APPROVAL OF MINUTES

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

RESOLVED, the minutes of the January 8, 2024 meeting are approved.

FLOOR

No questions or comments from the public at this time.

SPRZPA NO. 1-2023

OPEN PUBLIC HEARING

The Public Hearing for Site Plan Review & Zoning Permit Application No. 1-2023, submitted by Jordan Brandt, for the proposed expansion of Red Barn Meats and construction of an approximately 4,800 sq. ft. building on property located at 9095/9097 Briot Rd., Town of New Bremen, NY, Tax Map No. 147.00-01-18.100, 147.00-01-18.210 and a portion of 147.00-01-05.000, was declared open at 6:33 p.m. Proof of publication in the J&R noted.

Lewis County Planning Board reviewed the aforementioned site plan application at their January 18, 2024 meeting, and submitted their letter of approval with eleven (11) conditions listed. Clerk Jones forwarded the letter to Mr. Brandt on January 23, 2024 for his review.

Discussion: Mr. Brandt provided updated prints that addressed some of the conditions the LCPB recommended. He also stated there will be no loading docks near the roadway, that design was part of their 2021 application. It will be all off road, therefore should not affect traffic flow on the roadway, etc. The driveway and parking area will be stone to help with drainage, instead of blacktop. Town Board reviewed the conditions and determined from information provided by Mr. Brandt, that item 6 of the LCPB conditions has been remedied, therefore, the town board excludes said item from their conditions to be met.

The Board reviewed and completed SEAF parts 2 and 3 for the proposed project.

CLOSE OF PUBLIC HEARING

All questions and concerns were addressed, with no comments or questions by the public. Therefore, the public hearing was hereby closed at 6:50 p.m. After discussion, the following resolution was presented.

RESOLUTION NO. 13 OF 2024
APPROVAL OF SITE PLAN REVIEW & ZONING PERMIT APPLICATION NO. 1-2023

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

WHEREAS, that pursuant to General Municipal Law, Article 12-B, Section 239-M, the County Planning Board did review Site Plan Review & Zoning Permit Application No. 1-2023 – Expansion of Red Barn Meats/Jordan Brandt, 9095/9097 Briot Road, Town of New Bremen, for a 4,800 sq. ft. expansion to the existing facility at said location, Tax Map No. 147.00-01-18.100, 147.00-01-18.210 and a portion of 147.00-01-05.000, and

WHEREAS, the County Planning Board did approve the application with conditions, and

WHEREAS, the Town Board reviewed and completed SEAF parts 2 and 3 for the aforementioned site plan application and based on the information and analysis of all supporting documentation, the proposed action will not result in any significant adverse environmental impacts and the New Bremen Town Board, as acting Lead Agency, hereby issues a negative declaration of the Type II action in accordance with 6 NYCRR Part 617, and now therefore be it

RESOLVED, the New Bremen Town Board “approves” Site Plan Review & Zoning Permit Application No. 1-2023, contingent upon the applicant complying with the following conditions set forth by the County Planning Board; excluding item 6 as it has been remedied:

CONDITIONS:

1. Prior to taking action, the Town Highway Superintendent should provide the New Bremen Planning Board or Town Board a written determination on whether the proposed action will result in traffic demands that exceed the capacity of the highway(s) that serve the site as noted in Article VI Section 610 B.8.

2. According to the IPAC report, an endangered species of Northern Long-eared Bat and the candidate species Monarch Butterfly could be affected by activities in the proposed location. The applicant should be cognizant of land-clearing activities or other activities that could affect the aforementioned species. The Environmental Resource Mapper indicated that the project site does not contain any notable environmental features; however, roughly 900 feet southeast of the proposed site is an area of a rare animal; the Black Bullhead. Applicant should be cognizant of discharges that could impair the habitat conditions of the Black Bullhead.

3. The referral did not include a specific plan for signage; however, on Plans by Design Sheet No A-000, a sign is shown in the proposed building front view. These plans should confirm that the sign will be less than 32 square feet in size. All proposed signage should be verified with the New Bremen Planning Board or the Town Board to determine that the proposed signage conforms to Article VI Section 610 F standards.

4. According to the submitted SEAF and Web Soil Survey, the drainage status of the project site soil is comprised of well-drained on 90% of the site and poorly drained on the remaining 10% of the project site. Due to the increased proposed parking area, prior to taking action, the New Bremen Planning Board or the Town Board should request drainage plans to ensure compliance with Article VI Section 610G.

5. According to the submitted SEAF, .137 acres are to be disturbed as a result of the proposed activity. Should the project disturb more than 1 acre of land, a SPDES permit would be required.

6. “Excluded by Town Board”

7. According to the Short Environmental Assessment Form, water will be supplied by existing public/private water supply. The site will connect to onsite wastewater treatment that follows NYSDOH Appendix 75(A). Plans by Design Sheet C-100 details where the existing wastewater treatment and existing well are located. Prior to taking action, the New Bremen Planning Board or the Town Board should ensure water and sewer facilities are adequate for the projected increase in usage caused by the proposed development and compliance with Article VI Section 610 A and all pertinent codes/regulations.

8. Prior to action, clear outdoor lighting plans should be submitted to the New Bremen Planning Board or the Town Board to ensure compliance with Article VI Section 610 E.

9. Landscaping plans were not submitted; however, prior to taking action, plans are necessary for the New Bremen Planning Board or the Town Board to determine compliance with Article VI Section 610 D.

10. Article VII Section 710 states “Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan review are installed or a sufficient performance guarantee has been provided by the applicant for improvements not yet completed.” Section 720 indicates that the Town Board may require a Performance Guarantee with three options for agreements.

11. Compliance with all Local, State, and Federal regulations for this type of facility.

*Letter of approval to be filed with the site plan application in the clerk’s office. The Brandt’s left the meeting at 6:52 p.m.

COUNCIL REPORTS

Councilwoman Lyndaker reported on the following:

- Community Mural – final design is complete. It will be smaller than originally anticipated due to lack of buildings for its placement. To be mounted on the side of the Crystal View, installation date to be determined.
- Internal Audits – completed internal audit with Councilman Schantz of the Town Clerk, Tax Collector, Justices and Supervisor/Chief Fiscal Officer records for 2023. All look to be in good order.

RESOLUTION NO. 14 OF 2024 AUDIT OF BOOKS

On a motion of Councilwoman Lyndaker, seconded by Councilman Schantz, the following resolution was
ADOPTED Ayes 4 Aucter, Lyndaker, Schantz, Bush 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/Chief Fiscal Officer for the 2023 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 2024 TOWN CLERK & TAX COLLECTORS MONTHLY REPORTS

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

CLERK/COLLECTOR

Clerk Jones reported on the following:

- Filing of Local Law – sent the local zoning law on January 2, 2024 for filing with the Department of State, they returned it on January 17th for refiling, stating that a local law should be numbered in order as received by the DOS. Updated the numbering from: Local Law No. 1 of 2023 to Local Law No. 1 of 2024 – Town of New Bremen Zoning Law and overnighted via USPS in order to make the deadline for filing. Received notification back from DOS it was received and filed by them on January 19, 2024. Advertised notice of adoption/filing of said local law by the town, as required.
- ZBA – received Tim Lee’s resignation from the Zoning Board of Appeals.
- DECALS Licensing System – DEC will be upgrading their licensing system to a paper version and possibly electronic form also for hunters by August 1st of this year. More information to come.
- New Bremen Rural Cemetery – need to map out the area that is designated for the sale of new plots and figure out a number of available plots that are able to be sold, etc. Need a system in place that works.

Deputy Supervisor Aucter thanked Clerk Jones for the fine work she does, especially during the month of January during tax season. Very much appreciated! Thank you.

JUSTICE VACANCY

Notice was placed in the towns official newspaper along with bulletin board, town website and linking lewis county to obtain letters of interest to fill the vacancy of Town Justice. One letter of interest was received. After review and discussion, the following resolution was presented.

RESOLUTION NO. 19 OF 2024

TO REDUCE NUMBER OF TOWN JUSTICES FROM TWO TO ONE

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

WHEREAS, Town Justice Aucter, retired at the end of the 2023 term year, and

WHEREAS, the Town Board of the Town of New Bremen has determined that it would be in the best interest of the Town to reduce the number of town justices from two to one in that there is presently no need for two justices to handle the volume of matters in the Town Court of the Town of New Bremen.

NOW, THEREFORE, BE IT RESOLVED, pursuant to the provisions of subparagraph 2 of section 60-a of the Town Law of the State of New York as follows:

1. The number of town justices of the Town of New Bremen shall be reduced from two to one effective January 1, 2024.
2. In accordance with the provisions of paragraph 2 of section 60-a of the Town Law, this Resolution shall not become operative or effective unless and until thirty days have elapsed after its adoption and no petition protesting against this local law signed and authenticated as required by law has been filed with the Town Clerk of the Town of New Bremen, or if such petition is so filed, a proposition for approval of this Resolution has been submitted at the next general election or a special election for that purpose pursuant to said section and received the affirmative vote of a majority of the voters voting thereon.
3. This Resolution is subject to permissive referendum.

RESOLUTION NO. 20 OF 2024

DCO MONTHLY REPORT

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

RESOLVED, the DCO monthly report is approved as submitted.

NATIONAL GRID

Deputy Supervisor Aucter attended a meeting with representatives from National Grid along with some county legislators, including Legislator Barry Lyndaker. National Grid will be upgrading existing power lines through the Town of New Bremen, taking up a 150' right of way, installing a one (1) pole line to carry 115 amps, but have heard differently that it will be a two (2) pole line to handle up to 345 amps. The board is very concerned about the project and the effect it will have on its residents and local businesses, as they are seeking to purchase homes, businesses and land in order to move forward with the project.

After said meeting, the board received a letter via email from Jerry Haenlin, Manager for National Grid, to make the town aware of a transmission line project that National Grid is starting in our area to upgrade existing power lines with modern equipment. It also stated these projects will have community and landowner impacts and will work with the communities and affected landowners to find the best alternative route for these upgrades. In some instances, construction plans will require easements or a need to purchase additional property rights to support the expanded needs of the future grid. Should additional rights be necessary, landowners will receive fair-market real estate purchase offers from National Grid to acquire an option on specific land parcels. They will be sending out Initial Offer Packages (IOPs) to landowners where additional rights are needed.

After discussion, the board agreed to contact Nick Altmire of linkinglewiscounty, asking they do an article on the power line project to inform the public and make them aware of the situation.

BEAVER FALLS WATER DISTRICT

Reviewed the 2024 Agreement for Water Service between the Village of Croghan and the Beaver Falls Water District. After discussion, the following resolution was presented.

**RESOLUTION NO. 21 OF 2024
WATER SERVICE AGREEMENT**

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

RESOLVED, that Deputy Supervisor Aucter is authorized to sign the 2024 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.

ROOF REPLACEMENT

Deputy Supervisor Aucter reported that approximately three contractors attended the walk through for the roof replacement, also found several significant issues with the roof that will need to be fixed. Bids are due by February 29th.

RENEW BREMEN

The new 501(c)3 has received its certificate of incorporation, an EIN# and opened a bank account. Cassandra Buell updated the board via email stating their goal this year is to work through all of the legal requirements to move the lease over to ReNew Bremen, work with Jasmine Escudero on managing the ball field and concessions, obtain insurance and install new fencing and lighting in the fall.

Discussion followed to amend the 2024 budget to add an account for ReNew Bremen and transfer the \$1,000 budgeted for NBCIA to ReNew Bremen. Attorney Farley stated the board is free to do so. ReNew Bremen, Inc. will also be required to enter into a contract for youth recreation for the 2024 year. After discussion, the following resolution was presented.

**RESOLUTION NO. 22 OF 2024
BUDGET AMENDMENT AND TRANSFER OF FUNDS**

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

RESOLVED, to amend the 2024 budget to add account A7320.44 – ReNew Bremen, Inc., and be it further

RESOLVED, authorizing the transfer of \$1,000 from A7320.43 – NBCIA to A7320.44 – ReNew Bremen.

**RESOLUTION NO. 23 OF 2024
YOUTH RECREATION CONTRACT – RENEW BREMEN, INC.**

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

RESOLVED, that ReNew Bremen, Inc. agrees to provide structured recreational activities for the youth of the Town of New Bremen for the year 2024. The said Town of New Bremen will expend to ReNew Bremen Inc. the sum of \$1,000.00 for the recreational program, and be it further

RESOLVED, that ReNew Bremen, Inc. further understands that it is solely responsible for the safety and well-being of these youths and also agrees to save the Town of New Bremen harmless from any and all claims arising from the operation of said program, and be it further

RESOLVED, that ReNew Bremen, Inc. will make its books and records available to the municipality for inspection upon request and provide an "annual report" of activities.

PLANNING BOARD

The town board received letters of interest from six individuals expressing their interest to serve on the town's planning board. As it has been inactive, the Town Board will need to reinstate the planning board and appoint new members as it would if it was a newly created board. Hereafter, each term reappointment will be for five (5) years. After discussion and review of the letters of interest, the following resolution was presented.

RESOLUTION NO. 24 OF 2024

PLANNING BOARD REINSTATEMENT & APPOINTMENTS

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

RESOLVED, the Town Board of the Town of New Bremen hereby reinstates the Planning Board with appointments and terms of members as follows:

- Charmaine Campany - 2/12/24 thru 12/31/24
- Tom Kovach - 2/12/24 thru 12/31/25
- Jordan Nigro - 2/12/24 thru 12/31/26
- Garrett Schell - 2/12/24 thru 12/31/27
- Tim Lee - 2/12/24 thru 12/31/28

ZBA

Due to the resignation of Tim Lee from the ZBA and appointment to the planning board, there is a vacancy. Jonathan Roes expressed his interest in serving on the ZBA. Mr. Roes is a code officer for the county and the town board is concerned there may be a conflict between the two positions at times. After further discussion, the following resolution was presented.

RESOLUTION NO. 25 OF 2024

ZBA APPOINTMENT

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

RESOLVED, that Jonathan Roes is hereby appointed to fill the term of office on the towns Zoning Board of Appeals, with the stipulation that he recuse himself from any decisions that may overlap with his two positions.

TOWN POLICIES

Town Board reviewed all town policies. Only change at this time is to the Workplace Violence Prevention Policy & Incident Reporting to update the designated contacts. After discussion, the following resolution was presented.

RESOLUTION NO. 26 OF 2025

WORKPLACE VIOLENCE POLICY UPDATE

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

RESOLVED, that the town board did review all town policies with the only change being made to the Workplace Violence Prevention Policy & Incident Reporting to update the designated contacts as follows:

- Douglas Herzig, Highway Superintendent and Alexis Lyndaker, Councilwoman

BE IT FURTHER RESOLVED, that all other town policies be updated to show the board did review and made no changes at this time.

(Regular Meeting of February 12, 2024 con't.)

**RESOLUTION NO. 27 OF 2024
SUPERVISOR'S MONTHLY FINANCIAL REPORT**

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

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

**RESOLUTION NO. 28 OF 2024
AUDIT OF CLAIMS**

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

RESOLVED, that Deputy Supervisor Aucter is authorized and directed to pay the following amounts on Abstract #2 of 2024 and also approved the report of prior to audit payments for health insurance, utilities and comptroller.

General	Voucher #22 thru #38	\$7,417.60
Highway T-Wide	Voucher #8 thru #18	\$12,471.56
H. Insurance - \$11,178.51	Utilities - \$3,187.44	Comptroller - \$1,277.00
Shelter Point Ins. - \$231.00		

OTHER BUSINESS

Received the first payment for the snow and ice control agreement with the County.
Volunteer Transportation Center sent a thank you for the towns continued support.

The next meeting of the Town Board of the Town of New Bremen will be held on March 11, 2024 at 6:30 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilwoman Lyndaker, seconded by Councilman Schantz, the meeting was adjourned at 9:07 p.m. Carried unanimously.

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