

REGULAR MEETING
JANUARY 13, 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 13th day of January 2020.

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

Attended by: John Young - Deputy DCO, Ian Gilbert – Co. Legislator and 12 other individuals

Supervisor Keys called the meeting to order at 6:31 p.m. with the Pledge to the Flag.

**RESOLUTION NO. 1 OF 2020
APPROVAL OF MINUTES**

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

RESOLVED, the minutes of the December 30, 2019 special meeting are approved.

FLOOR - SOLAR

Supervisor Keys opened the floor to Brett Hastings, Eric Will and Derek Hasek of Geronimo Energy to give an update on their proposed solar project. Been looking for additional land owners to sign on for the project; currently have 95%. Wetland reviews revealed that a large portion of the parcels are located in wetlands, which required them to adjust the properties out of wetland areas. Should be starting the Article 10 process in a month or so and the next step would be holding public meetings. Possibly by the end of March or April. Discussed decommissioning as per Article 10 - explained that a decommissioning bond or fund is required to be set aside for the project to protect the land owner or owners if the company fails or goes bankrupt; and is posted up front. The decommissioning funds follow the project and are controlled by the Town for the entire project. Duration of the project is 40 years for the full process. Explained the construction of the arrays, easy removal as they are pile driven in the ground and salvage value decreases over time. The Board thanked them for their update. Representatives left at 6:45 p.m.

INSURANCE

Bill Schaab – North Country Estates reviewed the current insurance coverage limits renewed with Glatfelter and Harleysville for 2020. Mr. Schaab did stress that our “cyber extortion/ransom” coverage is low at \$20,000.00. Due to cyber attacks and utilizing online access to bank accounts, emails, etc., he recommends purchasing an additional policy to increase the extortion coverage; and presented a quote of a \$1,000,000.00 limit at a premium of \$1,450.00. He also touched on highway coverage and the playground both being fully protected.

Phil Turck, Adams Hill Road – is very concerned about a vehicle that continuously parks on the side of the Adams Hill Road all hours of the day/night and is going to cause a serious accident. Can the town adopt a local law to prevent parking on the side of the road? Deputy Highway Superintendent Adams has had issues recently with the same individual/vehicle while plowing the road and has spoken with the individual. Highway Superintendent Herzig has spoke with the Sheriff's department about the issue and they will speak with the individual if they catch him there. This has been ongoing for a couple years now. The Town of Croghan recently adopted a local law banning parking in the hamlet of Beaver Falls. After discussion, the following motion was presented.

Motion by Councilman Aucter, seconded by Councilwoman Buell, that Highway Superintendent Herzig obtain a copy of Croghan's local law and forward to Attorney Farley for his review and discuss further at our next regular meeting.
Ayes 5 Becker, Aucter, Buell, Lyndaker, Keys Nays 0

(Regular Meeting of January 13, 2020 con't.)

**RESOLUTION NO. 2 OF 2020
DCO MONTHLY & ANNUAL REPORTS**

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

RESOLVED, the Dog Control Officer's monthly and annual reports are approved as submitted.

*Copy of all annual reports are incorporated at the end of these minute proceedings.

COUCIL REPORTS

Councilwoman Buell

1. Will be setting up an on-site meeting with Rich McDonald of the DEC, herself and Councilman Becker to go over proposed plans for the public fishing dock on Crystal Pond. Continuing research on the public fishing rights also.
2. Bathroom project by playground – interested in building a small bathroom by the playground instead of renting a port-a-potty every year. There's an existing "old" septic near the ball diamond that may be usable. Spoke with Mark Bush of Double B Contracting to search the area and give a quote for the proposed project. Will research for grant funding at the appropriate time.

Discussion followed concerning the NBCIA and who is currently in charge – Robin Houppert has been for the past several years. The Board will reach out to Robin for more information.

Councilwoman Lyndaker

1. Salt storage building – if the Board is interested in still pursuing, there are proposed changes in the WPIP program to increase the cost funding share to Towns. Could save money by storing the salt separate and only adding it to the roads when needed. Will update the Board with any new information as received.

**RESOLUTION NO. 3 OF 2020
TOWN CLERK'S MONTHLY & ANNUAL REPORTS**

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

RESOLVED, the Town Clerk's monthly and annual reports are approved as submitted.

**RESOLUTION NO. 4 OF 2020
TAX COLLECTOR'S ANNUAL REPORT**

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

RESOLVED, the Tax Collector's annual report is approved as submitted.

TAX COLLECTION SYSTEM

Collector Jones gave an update on the new tax collection system. Has been a bit challenging, support has been good through Systems East, the bills/receipts lack section to request a receipt and bill paid by. Only a few tax installments so far and several online bill pays. All in all it's going well, but taking notes for improvements for next year.

WATER CONTRACT

Reviewed the 2020 Agreement for Water Service between the Village of Croghan and the Beaver Falls Water District. After discussion, the following resolution was presented.

(Regular Meeting of January 13, 2020 con't.)

**RESOLUTION NO. 5 OF 2020
WATER SERVICE CONTRACT**

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

RESOLVED, that Supervisor Keys is authorized to sign the 2020 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.

**RESOLUTION NO. 6 OF 2020
DELEGATION OF AUTHORITY - GAMES OF CHANCE**

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

WHEREAS, the Town of New Bremen pursuant to Part (5)4600.2 of the Games of Chance Licensing Law, must appoint a Licensing Officer and Chief Law Enforcement Officer for Games of Chance, therefore be it,

RESOLVED, that Elizabeth B. Jones, Town Clerk is hereby appointed Licensing Officer to review applications, findings, determinations and supplemental papers in regard to issuing licenses, collecting and transmitting fees. Chief Law Enforcement Officer, Michael Carpinelli, Sheriff of Lewis County, will investigate complaints, conduct hearings and supervise the operation of Games of Chance. Appointments effective January 13, 2020 thru December 31, 2023.

**RESOLUTION NO. 7 OF 2020
AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS**

On a motion of Councilman Becker, seconded by Councilwoman Buell, the following resolution was
ADOPTED Ayes 5 Becker, Aucter, Buell, Lyndaker, 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 \$447,000.00 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.

HIGHWAY

Highway Superintendent Herzig reported on the following:

1. Plowing and sanding regularly with all equipment working well.
2. Installed radios in new backhoe and loader.
3. Will start installing broom on bucket of new backhoe.
4. Cleaned up some roadside trees and limbs.
5. Building new shoes for wings, nose plows and repairing other worn out plow parts.
6. Stripped old backhoe down and posted on Auctions International. Current bid is \$8200 – ending Jan 21st and would like Board approval via email or phone to accept or decline the bid prior to February 10th meeting and do formal resolution to accept the bid at the February meeting.
7. Received updated quote from All Seasons Power Equipment for new V-plow for dually pickup - \$6200.00. Would like to get heated led light option – additional \$600.00. Need commitment to purchase to hold.
8. Received complaints of Scott Dicob parking on Adams Hill Rd. blocking part of the road and making it difficult and unsafe to plow around. Contacted Sheriff's department and they are supposed to talk with Mr. Dicob and have him park in his driveway.
9. Co. Highway Superintendent Shaw wants to discuss further the mowing and sweeping of county roads.

Reviewed quote for the V-plow for the dually pickup, discussed adding the heated led lights to help with visibility at night and for safety. After discussion, the following resolution was presented.

(Regular Meeting of January 13, 2020 con't.)

**RESOLUTION NO. 8 OF 2020
PURCHASE OF FISHER V-PLOW**

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

RESOLVED, to purchase 1 – New Fisher 9.6 XV2 Stainless Steel Plow installed, with additional heated led lights for a total of \$6,800.00 through All Seasons Power Equipment as quoted.

Discussion followed concerning the county mowing and sweeping their county roads. County Highway Superintendent Shaw stopped again to discuss and apparently has changed his position – County will mow/sweep Van Amber, Snell and Cut Off Roads and the Town would mow/sweep Kirscherville Road. Mr. Shaw stated it's due to budget crunch at the county level. Mr. Shaw wants to start billing the Town or do a wash of services. Highway Superintendent Herzig feels the Town provides more services for the county than they do for us, so billing the Town would be the better option. Mr. Shaw wants to discuss it further before any final decision is made and will have something in writing by spring as suggested by Mr. Herzig.

**RESOLUTION NO. 9 OF 2020
JUSTICES MONTHLY AND ANNUAL REPORTS**

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

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

**RESOLUTION NO. 10 OF 2020
HISTORIAN'S ANNUAL REPORT**

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

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

COUNTY

Ian Gilbert, Legislator for District No. 4 briefed on happenings at the County level and his new position as Legislator. He would like to hear the Boards opinion on county buildings expansion or any other areas the Board may have concerns with. He will keep us updated on issues. Also mentioned the NYS budget deficit and how it will more than likely come back on the Towns and Counties. His email – iangilbert@lewiscounty.ny.gov

TOWN POLICIES

Supervisor Keys asked the Board to review all Town policies and bring any changes to the February meeting.

SNOW BELT HOUSING

Snow Belt Housing Company, Inc. asked the Board to support their funding application to New York State Homes and Community Renewal for a countywide owner-occupied home improvement program.

After discussion, a motion by Councilman Aucter, seconded by Councilwoman Lyndaker, in support of said program and encourages funding approval of this greatly needed housing program for low-income residents.

Ayes 5 Becker, Aucter, Buell, Lyndaker, Keys Nays 0

**RESOLUTION NO. 11 OF 2020
MILEAGE REIMBURSEMENT RATE**

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

RESOLVED, the mileage reimbursement rate will be the same rate as the federal/state government, which is currently set at .575 cents per mile for 2020.

**RESOLUTION NO. 12 OF 2020
SUPERVISOR'S ANNUAL FINANCIAL REPORT**

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

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

**RESOLUTION NO. 13 OF 2020
AUDIT OF CLAIMS**

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

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #1 of 2020 in the following amounts.

General	Voucher #1 thru #13	\$24,857.30
Highway T-Wide	Voucher #1 thru #8	\$6,725.29
Highway T-Outside	Voucher #1 thru #2	\$4,605.33

**RESOLUTION NO. 14 OF 2020
APPROVAL OF OFFICIAL UNDERTAKING**

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

WHEREAS, Peter J. Keys, of the Town of New Bremen, County of Lewis, New York, has been elected to the Office of Supervisor of the Town of New Bremen, and

WHEREAS, Joseph E. Aucter, of the Town of New Bremen, County of Lewis, New York, has been appointed to the Office of the Deputy Supervisor of the Town of New Bremen, and

WHEREAS, Elizabeth B. Jones, of the Town of New Bremen, County of Lewis, New York, has been elected to the Office of the Town Clerk/Tax Collector of the Town of New Bremen, and

WHEREAS, Errol A. Aucter, of the Town of New Bremen, County of Lewis, New York, has been elected to the Office of Town Justice of the Town of New Bremen, and

WHEREAS, Douglas E. Herzig II, of the Town of New Bremen, County of Lewis, New York, has been elected to the Office of Superintendent of Highways of the Town of New Bremen, and

WHEREAS, Christopher R. Adams, of the Town of New Bremen, County of Lewis, New York, has been appointed to the Office of the Deputy Highway Superintendent of the Town of New Bremen, and

NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of New Bremen that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Deputy Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Deputy Supervisor; and

This undertaking of the Town Clerk/Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk/Tax Collector; and

This undertaking of the Town Justice is further conditioned that he will well and truly keep, pay over and account for all moneys and property coming into his hands as such Town Justice; and

The Town does and shall maintain insurance coverage, presently with American Alternative Insurance Corporation, in the sum of \$225,000.00 for the Supervisor, Deputy Supervisor, Town Clerk/Tax Collector to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

AUDIT COMMITTEE

Councilwoman Buell and Lyndaker will be auditing the books for Supervisor, Town Justice, Town Clerk and Tax Collector on Wednesday, January 15th at 6 p.m.

The next meeting of the Town Board of the Town of New Bremen will be held on February 10, 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 8:37 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector