

REGULAR MEETING
JANUARY 11, 2021

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 11th day of January 2021.

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: Nicholas Astafan – DCO, Bob Ball – Assessor, Ian Gilbert – Co. Legislator, Greg Hering – ClearPath Energy, LuAnn Zehr, John Farney

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

**RESOLUTION NO. 1 OF 2021
APPROVAL OF MINUTES**

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 minutes of the December 28, 2020 special meeting are approved.

OPEN PUBLIC HEARING

The Public Hearing for “proposed” Local Law No. 1 of 2021 – Amending Local Law No. 1 of the year 2020 related to the Regulation of Solar Energy Systems in the Town of New Bremen; was declared open at 6:31 p.m. by Supervisor Keys, with proof of publication in the Journal & Republican noted. Purpose of the law – definition revisions/typo corrections.

CLOSE PUBLIC HEARING

There were no comments by the public; therefore, the public hearing was hereby closed at 6:32 p.m. by Supervisor Keys.

**RESOLUTION NO. 2 OF 2021
ADOPTING LOCAL LAW NO. 1 OF 2021 AMENDING LOCAL LAW NO. 1 OF THE YEAR 2020
RELATED TO THE REGULATION OF SOLAR ENERGY SYSTEMS**

On a motion of Councilwoman Lyndaker, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 4 Becker, Aucter, Lyndaker, Keys Recusal 1 Buell Nays 0

WHEREAS, the Town Board of the Town of New Bremen held a public hearing on the 11th day of January 2021 as advertised in the J & R, now therefore be it

RESOLVED, that the New Bremen Town Board hereby adopts Local Law No. 1 of 2021 – Amending Local Law No. 1 of the year 2021 related to the Regulation of Solar Energy Systems in the Town of New Bremen.

*Copy of said local law is incorporated at the end of these minutes.

SITE PLAN REVIEW - SOLAR PROJECTS – BREWERY ROAD

Lewis County Planning Board (LCPB) reviewed Site Plan Review & Zoning Permit Application No. 5-2020 for a proposed 3MW ground-mounted solar energy generating facility to be developed at 7057 Brewery Road, “Zehr Solar Energy Project” in the Town of New Bremen – Tax Map #147.00-01-22.100 - applicant – ClearPath Energy, LLC. Approved by LCPB with conditions. Also reviewed Site Plan Review & Zoning Permit Application No. 6-2020 for a proposed 3MW ground-mounted solar energy generating facility to be developed at 7194 and 7214 Brewery Road, “Farney Solar Energy Project” in the Town of New Bremen – Tax Map#147.00-02-05.110 and 147.00-02-06.110 – applicant – ClearPath Energy, LLC. Approved by LCPB with conditions.

Board reviewed the conditions and comment set forth by the LCPB concerning “both” projects, along with a letter from Sean Reardon, Tetra Tech in response to the LCPB conditions. Discussion pertained to the proposed driveway width of 20’ and according to the Towns Site Plan Review and Zoning Law, Article V Section 510(b) requires that the minimum maintained width of driveways shall be 24 feet, but can be waived by the Town Board per Article VII Section 755, and to ensure public safety, the Town Highway Superintendent should evaluate and approve the proposed width of the driveway along with the driveway entrance prior to construction. Greg Hering of ClearPath Energy stated he has no issue with that condition and is more than happy to confer with the Highway Superintendent prior to construction.

LCPB is concerned with the Farney Solar Energy Project as it is proposed to be located on 2 separate parcels/owners and feels to avoid potential real property issues down the road that a property combination or survey should be discussed in order to host the proposed action on a single site. Tetra Techs response – the project will operate as a single entity that occupies portions of each property as shown on the plans via individual long-term leases and that there is no plan to transfer or otherwise consolidate property ownership of the parcels involved. Mr. Hering stated the next steps for the projects will be obtaining building permits and working with the IDA on a PILOT program. After review/discussion, the following resolutions were presented.

RESOLUTION NO. 3 OF 2021

APPROVAL OF SITE PLAN REVIEW & ZONING PERMIT APP. NO. 5-2020

On a motion of Councilwoman Lyndaker, seconded by Councilman Aucter, the following resolution was
ADOPTED Ayes 4 Becker, Aucter, Lyndaker, Keys Recusal 1 Buell Nays 0

WHEREAS, pursuant to General Municipal Law, Article 12-B, Section 239-M, the County Planning Board did review Site Plan Review and Zoning Permit Application No. 5-2020, submitted by Greg Hering, ClearPath Energy, LLC; for the proposed construction of a 3 MW ground-mounted solar energy facility and related access, security and utility infrastructure on two previously cleared farm fields owned by Myron D. Zehr, to be located at 7057 Brewery Road, Town of New Bremen, Lewis County New York, Tax Map No. 147.00-01-22.100, and

WHEREAS, the County Planning Board did approve the application with conditions, now therefore be it

RESOLVED, the New Bremen Town Board “approves” Site Plan Review & Zoning Permit Application No. 5-2020, contingent upon the applicant complying with the following conditions:

1. To ensure public safety, the Town Highway Superintendent shall evaluate and approve the proposed width of the driveway along with the driveway entrance details prior to construction.
2. In addition to the applicant providing the police, fire department, and other public safety officials with a copy of the design as-built with instructions for system shut down in case of emergency, Emergency Service Personnel should be provided with on-site training to identify and review all mechanical equipment and access gates. Discussions should also include Emergency Service snow removal needs and possible emergency situations that could result during the operation of this facility. Additionally, given the current use as an active farm and residence, a shared discussion between the property owners, Emergency Service Personnel and applicant should be had to make sure the shared driveway is clear at all times in case of emergency.
3. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

RESOLUTION NO. 4 OF 2021

APPROVAL OF SITE PLAN REVIEW & ZONING PERMIT APP. NO. 6-2020

On a motion of Councilman Aucter, seconded by Councilman Becker, the following resolution was
ADOPTED Ayes 4 Becker, Aucter, Lyndaker, Keys Recusal 1 Buell Nays 0

WHEREAS, pursuant to General Municipal Law, Article 12-B, Section 239-M, the County Planning Board did review Site Plan Review and Zoning Permit Application No. 6-2020, submitted by Greg Hering, ClearPath Energy, LLC; for the proposed construction of a 3 MW ground-mounted solar energy facility and related access, security and utility infrastructure on a farm field and forested land owned by Farney Lumber Corporation, to be located at 7194 Brewery Road, Tax Map No. 147.00-02-05.110 and at 7214 Brewery Road on the Niles E. Farney property, Tax Map No. 147.00-02-06.110, Town of New Bremen, Lewis County New York, and

WHEREAS, the County Planning Board did approve the application with conditions, now therefore be it

RESOLVED, the New Bremen Town Board “approves” Site Plan Review & Zoning Permit Application No. 6-2020, contingent upon the applicant complying with the following conditions:

1. To ensure public safety, the Town Highway Superintendent shall evaluate and approve the proposed width of the driveway along with the driveway entrance details prior to construction.
2. In addition to the applicant providing the police, fire department, and other public safety officials with a copy of the design as-built with instructions for system shut down in case of emergency, Emergency Service Personnel should be provided with on-site training to identify and review all mechanical equipment and access gates. Discussions should also include Emergency Service snow removal needs and possible emergency situations that could result during the operation of this facility. Additionally, given the current use as an active farm and residence, a shared discussion between the property owners, Emergency Service Personnel and applicant should be had to make sure the shared driveway is clear at all times in case of emergency.
3. Compliance with all Local, State and Federal regulatory requirements for this type of facility and the products stored.

ASSESSOR

Candy Akin, Lewis County Real Property Tax Director sent a notification that the Executive Order issued by Governor Cuomo on December 18, 2020 allowing municipalities the option to waive the requirement for seniors to renew their senior citizen’s exemption has changed and on December 28, 2020, Governor Cuomo signed into law the requirement for all municipalities to extend the senior citizen exemption to all seniors that received the exemption on the 2020 assessment roll without the need to file a renewal. The law also includes language that restricts the assessor from removing the exemption even in the event of the death of the senior, a residency change, a transfer to a new owner, or the addition of an owner, unless the town passes a resolution granting permission to the assessor to make changes to the senior exemption in those limited scenarios. She sent a sample resolution for the Boards consideration which will authorize the assessor to remove the exemption in those limited circumstances. After review, the following resolution was presented.

**RESOLUTION NO. 5 OF 2021
ADOPTING PROVISIONS OF EXECUTIVE ORDER 202.83 SUSPENDING THE REQUIREMENTS
OF RENEWAL APPLICATIONS AS A CONDITION TO GRANTING EXEMPTIONS UNDER
SECTIONS 459-C AND 467 OF THE REAL PROPERTY TAX LAW**

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

WHEREAS, the Governor of the State of New York by Executive Order No. 202 dated March 7, 2020, declared a state disaster emergency for the entire State of New York; and

WHEREAS, both travel-related and community contact transmission of COVID-19 have been documented in New York State and are expected to continue; and

WHEREAS, pursuant to Section 29-a of Article 2-B of the Executive Law, New York State Governor Andrew Cuomo did issue Executive Order 202.83 dated December 18, 2020, 2020, which authorized, by local option, the governing body, to adopt the provisions of that Executive Order 202.83, which temporarily suspends or modifies, subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law. The COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (Chapter 381 of the Laws of 2020) was signed into law by Governor Cuomo on December 28 mandating the provisions.

NOW THEREFORE BE IT RESOLVED, that pursuant to Executive Order 202.83 issued by New York State Governor Andrew Cuomo and Chapter 381 of the Laws of 2020, the Town Board of the Town of hereby authorizes the Assessor to request an application where he or she has reason to believe that the applicant may have changed his or her primary residence, added an additional owner to the deed, transferred the property to a new owner, or died, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Assessor.

ASSESSOR CONT'D.

Assessor Ball gave a brief report for 2020. Discussion followed concerning a complaint from a tax payer concerning his assessment, an appraisal for the property involved that came in less than half the assessed value set by the Assessor and with the Assessor's nonresponse on said appraisal. Mr. Ball stated he backs his assessment on the property and feels it's fair. Next step for the tax payer would be to file Article 7, which the Board would like to avoid. The Board asked Mr. Ball to acknowledge to the tax payer receipt of said appraisal.

**RESOLUTION NO. 6 OF 2021
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.

DCO

Discussed dispatch protocol for dog control complaints as there has been an issue at the Lewis County Sheriff's Department with dispatch contacting DCO Astafan and getting through. They would like something stating what the proper protocol is when they are contacted with dog complaints. DCO Astafan will notify Cheryl at dispatch of the dispatch protocol for dog control complaints and will continue to look at ways that communications can be improved.

COUNCIL REPORTS

Councilwoman Lyndaker

1. Suggested having our well water tested through Converse Labs – Cost to do a full analysis is \$160.00
Discussed testing the water for quality, contaminants etc. before moving forward with drilling a new well.
The Board agreed to the testing and will move forward from there.

**RESOLUTION NO. 7 OF 2021
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. 8 OF 2021
TAX COLLECTOR'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 Tax Collector's annual report is approved as submitted.

CLERK/COLLECTOR

New computer will be arriving this week. Tim Munn of Pixamation Inc. will be hooking it up and transferring files and most programs. The Clerk program through BAS will be done by them. Tax Collection is going well thus far. A few bumps in the road the first week, but most issues seem to have been resolved.

PURCHASE AGREEMENT FOR NEW TANDEM

The Town Board adopted a resolution at the November 2020 meeting stating its intent to purchase a new tandem. Therefore, Supervisor Keys asked the Board for a formal resolution to move forward with the purchase of a new tandem as quoted by Stadium International Trucks, financing to be with Sun First Equipment Finance. After discussion, the following resolution was presented.



**RESOLUTION NO. 9 OF 2021
PURCHASE AGREEMENT FOR NEW TANDEM**

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

RESOLVED, that the Town Board of the Town of New Bremen hereby enters into a purchase agreement for 1 - 2022 – International HX520 6x4 Chassis with Viking Plow Package with 5 Year Engine & After Treatment Warranty and 5 Year Transmission Warranty as quoted by Stadium International Trucks for \$204,627.00 via Onondaga County Contract #8996; with financing through Sun First Equipment Finance.

HIGHWAY

Highway Superintendent Herzig reported on the following:

1. Rebuilding and replacing worn out plow wing parts on Truck #38 and #35.
2. Started working on some updates in the shop bathroom and break room.
3. Submitted and reviewed summer projects completed in 2020.
4. Contacted a couple well drillers if the Board wishes to proceed with drilling a new well. Board has decided to wait and review the results of the water test of the current well before proceeding any further.
5. Using state millings to pave Town roads – saves the Town money and makes for a good solid road and goes down nicely.

**RESOLUTION NO. 10 OF 2021
JUSTICES MONTHLY AND ANNUAL REPORTS**

On a motion of Councilwoman Lyndaker, seconded by Councilman Becker, 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.

COUNTY

Ian Gilbert, Legislator for District No. 4 gave a brief report to the Board on happenings at the County level.

1. Covid Vaccinations for group 1B individuals starts this week with approximately 500 doses being distributed over a three (3) day period.

**RESOLUTION NO. 11 OF 2021
SPECIAL DISTRICTS AND SERVICES**

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, Supervisor Keys is authorized and directed to pay amounts as specified below, to the Special Districts and Services, as money becomes available thru taxation.

Beaver Falls Fire District - \$38,650.96	New Bremen Fire District - \$85,619.00
New Bremen Fire Protection - \$16,275.00	Beaver Falls Fire Dept. Ambulance Svc. - \$8,000.00
LCSR Ambulance Service - \$6,316.00	Volunteer Transportation Center - \$1,500.00
Beaver Falls Library - \$2,700.00	Croghan Free Library - \$2,500.00
American Legion Post 1663 - \$100.00	Beaver River Senior Citizens - \$300.00

BUDGET – ACCOUNT CODES

Accountants found several account codes in the budget that need to be changed to help rectify some discrepancies. Supervisor Keys submitted and reviewed the account codes that need to be changed. Also, submitted a list of transfers for the 2020 budget year for accounts that were overspent. After discussion and review, the following resolutions were presented.



**RESOLUTION NO. 12 OF 2021
BUDGET CODE UPDATES**

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 following account codes in the 2021 Budget for the Town of New Bremen are to be changed as follows:

- A3310.2 to A3310.4 – Public Safety Traffic Control - Contractual
- A3625.4 to A3625.41 – Rescue Squad – Beaver Falls F.D.
- A3625.41 to A3625.42 – Rescue Squad - LCSR
- A6772.4 to A6772.41 – Programs for Aging - Contractual
- Add Code – A6772.42 to Programs for Aging - Volunteer Transportation
- A7320.4 to A7320.41 – Joint Youth Project - Beaver Falls Recreation Assoc.
- A7320.4 to A7320.42 – Joint Youth Project - Croghan Village Recreation
- A7320.4 to A7320.43 – Joint Youth Project - New Bremen Comm. Improvement Assoc.
- A7410.4 to A7410.41 – Library - Contractual Exp – Beaver Falls
- A7410.41 to A7410.42 – Library - Contractual Exp – Croghan
- Services for Other Gov'ts – to Snow Removal – Local Services
- DA2300 to DA2302 – Snow Removal (changed from services for other governments)
- SL1001.1 to SL5182.4 – Revenues – Lighting District #1
- SL5182.41 to SL5182.4 – Contractual Expense – Lighting District #2
- SL5182.41 to SL5182.4 – Revenues – Lighting District #2

**RESOLUTION NO. 13 OF 2021
BUDGET TRANSFERS FOR 2020**

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 New Bremen Town Board hereby approves the following budget transfers, as recommended and submitted by Supervisor Keys and the Accountants, from A1990.4 – Contingent to the following line items that were overspent based on the 2020 budget.

- A1320.4 - \$140.93, A1670.4 - \$564.36, A1910.4 - \$1,784.50, A3510.4 - \$317.07, A9040.8 - \$660.34
- A9055.8 - \$455.10, A9060.8 - \$60.36

NYS PUBLIC EMPLOYER HEALTH EMERGENCY PLANNING

To meet the requirements of legislation (S8617B/A10832) signed into law by the Governor on September 7, 2020, the Town is required to put a Health Emergency Plan in to place by April 1, 2021. Councilwoman Lyndaker attended a webinar through Tug Hill Commission to assist in creating such a plan. She walked the Board through a sample health emergency plan and will have a draft for the Boards review at the next regular meeting.

**RESOLUTION NO. 14 OF 2021
SUPERVISOR'S MONTHLY FINANCIAL 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 Supervisor's monthly financial report is approved as submitted.

**RESOLUTION NO. 15 OF 2021
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 2021 in the following amounts along with Worker's Comp payment to County.

General	Voucher #1 thru #9	\$22,011.42
Highway T-Wide	Voucher #1 thru #8	\$4,314.67
Highway T-Outside	Voucher #1 thru #1	\$400.00
Lewis County – Worker’s Comp - \$12,239.00		

TOWN POLICIES

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

The next meeting of the Town Board of the Town of New Bremen will be held on February 8, 2021 at 6:30 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilman Becker, seconded by Councilman Aucter, the meeting was adjourned at 8:45 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector