

REGULAR MEETING
July 13, 2020

The Regular Meeting of the Town Board of the Town of New Bremen, County of Lewis and the State of New York was held in the Town Highway Garage, 8420 State Rte. 812, New Bremen, New York on the 13th day of July 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 – Legislator, Representatives from Geronimo Energy and several residents

Supervisor Keys called the meeting to order at 6:32 p.m. with the Pledge to the Flag.

**RESOLUTION NO. 64 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 June 8, 2020 meeting are approved.

OPEN PUBLIC HEARING

The Public Hearing for Site Plan Review & Zoning Permit Application No. 2-2020, submitted by Jason Roggie, 7456 Kirschnerville Rd., Town of New Bremen, to use an existing 1,488 sq. ft. residential garage as a commercial automotive repair facility, Tax Map No. 130.00-02-09.000, was declared open at 6:39 p.m. Proof of publication in the J&R noted.

CLOSE OF PUBLIC HEARING

There were no questions or comments by the public. Therefore, the public hearing was hereby closed at 6:43 p.m. After discussion, the following resolution was presented.

**RESOLUTION NO. 65 OF 2020
SITE PLAN REVIEW & ZONING PERMIT APPLICATION NO. 2 OF 2020**

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

WHEREAS, the County Planning Board did review Site Plan Review & Zoning Permit Application No. 2-2020 submitted by Jason Roggie, to use an existing 1,488 sq. ft. residential garage as a commercial automotive repair facility, located at 7456 Kirschnerville Road, Town of New Bremen, NY, Tax Map No. 130.00-02-09.000, pursuant to General Municipal Law, Article 12-B, Section 239-M, 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. 2-2020 and requires the conditions set forth by the County Planning Board be met by the applicant, and be it

FURTHER RESOLVED, that the application fee is hereby set at \$50, to be paid by the applicant and submitted to the Town Clerk immediately upon receipt of said approval.

*Copy of said letter of approval is included at the end of these minutes.

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

OPEN PUBLIC HEARING

The Public Hearing for Site Plan Review & Zoning Permit Application No. 1-2020, submitted by Thomas Schneider, 6716 Buckingham Rd., Town of New Bremen, for the construction of a 15' x 90' self-storage unit on property located at 9062 State Rte 812, Town of New Bremen, NY, Tax Map No. 147.00-01-03.120, owned by Chris Schneider, was declared open at 6:46 p.m. Proof of publication in the J&R noted.

CLOSE OF PUBLIC HEARING

There were no questions or comments by the public. Therefore, the public hearing was hereby closed at 6:47 p.m. After discussion, the following resolution was presented.

**RESOLUTION NO. 66 OF 2020
SITE PLAN REVIEW & ZONING PERMIT APPLICATION NO. 1-2020**

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

WHEREAS, the County Planning Board did review and approve Site Plan Review & Zoning Permit Application No. 1-2020 submitted by Thomas Schneider, for the construction of an additional 15' x 90' nine-unit self-storage structure to be located at 9062 State Rte. 812 in the Town of New Bremen, NY, Tax Map No. 147.00-01-03.120, owned by Chris Schneider; pursuant to General Municipal Law, Article 12-B, Section 239-M, now therefore be it

RESOLVED, the New Bremen Town Board "approves" Site Plan Review & Zoning Permit Application No. 1-2020 and hereby sets the application fee at \$75 to be paid by the applicant and submitted to the Town Clerk immediately upon receipt of said approval.

DCO

John Young, Deputy DCO informed the Board of ongoing issues with the Lewis Co. Humane Society and are working with Ag & Markets to rectify the problems. Discussed reinstating the late fee for overdue dogs. After discussion, the following resolutions were presented.

**RESOLUTION NO. 67 OF 2020
DCO'S MONTHLY REPORT**

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 DCO's monthly report and six (6) month report are approved as submitted.

**RESOLUTION NO. 68 OF 2020
DOG LICENSING - REINSTATEMENT OF LATE FEE**

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, that the \$5 late fee for overdue dog licenses is hereby reinstated.

OPEN PUBLIC HEARING

The Public Hearing for proposed Local Law #1 of 2020 entitled "Regulation of Solar Energy Systems in the Town of New Bremen" was declared open at 6:48 p.m. by Supervisor Keys, with proof of publication in the Journal & Republican noted. The purpose of the law is to provide for development and regulation of Solar Energy projects in the Town of New Bremen.

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Eric Will and Brett Hastings of Geronimo Energy along with their attorney Jim Mescato were in attendance. Mr. Will contacted Councilwoman Buell at the Lewis Co. Planning Department to discuss the companies concerns pertaining to the proposed law and forwarded their suggestions for the Board to consider adding/changing to the proposed law. Councilwoman Buell also spoke with a representative from Clear Path whom had similar concerns as developers. She explained it is not the Board's intention to deter solar companies from developing within the Town, but rather to protect our view of landscape, Ag lands, our residents, Town and to provide flexibility to the Board.

Councilwoman Buell walked the Board through the proposed law, reviewed and discussed suggested additions or changes, which were forwarded to Attorney Farley for review. His reply is as follows: "the changes are not legally significant, but they are substantively significant. Therefore, these are decisions that the Board can make without any concern for the legality".

Peter McLane of the Beaver Falls Fire Department has concerns as a local fire fighter. The vegetation underneath the arrays could make it difficult to fight fires and would require several local area fire departments on hand. He asks that "all" local fire departments be kept in the loop on the project. Mr. Hastings stated that the Geronimo Energy safety department will work with our local emergency management services department, but stated that the project is in the early development stage, so information will be forthcoming.

Mr. McLane also asked what and how will their proposed solar energy system benefit the local tax payer? Mr. Hastings explained it is renewable energy, will create jobs and will benefit local businesses such as hotels and restaurants, etc.

CLOSE PUBLIC HEARING

After review, questions and comments by the public were addressed, the public hearing was hereby closed at 7:31 p.m. by Supervisor Keys.

Councilwoman Buell offered to update the proposed local law and submit a new draft to the Board for further review at the next regular meeting in August.

COUNCIL REPORTS

Councilman Aucter - spoke with Lloyd Richardson, maintenance at BRCS – The class of 2020 helped purchase a new automated sign for in front of the school. The power to the sign comes from the light district. He asked that the Town track the power usage and if it increases the school will recover costs to the Town.

Councilwoman Buell

1. Her office at the county is working to encourage county residents to fill out the 2020 Census questionnaire either online or paper form as it helps with future area grant funding, etc.
2. Possibility of two (2) potential solar projects coming in the Town.

FLOOD DAMAGE PREVENTION

The County has entered into IMA for the codes department to administer and enforce local Flood Damage and Prevention for 15 municipalities. The NYS DEC has oversight of such laws and recently completed a Community Assist Visit and sighted over ninety (90) parcels within the County that are in potential violation of the local flood prevention laws, two (2) were in New Bremen. All parcels predated their department's administration of the local Flood Prevention Laws. NYS DEC directed that notices be served on the current owners, with the intent to achieve compliance with the Local Law.

Councilwoman Buell spoke with Ward Dailey on the subject. He stated letters have been sent to the landowners informing them of the matter; however, nothing needs to be done to correct this matter as CO's have already been issued. Since FEMA floodplains do not take into account land contours, land owners have the option to have a formal survey done to identify elevation levels that could remove their land from FEMA maps to save on flood insurance. Going forward, our Flood Damage Prevention Law will be enforced by Ward Dailey and the Building Code office. He also recommended adding a caveat to our local Flood Damage Prevention law noting interpretation of FHBM, Firm or FBFM Boundaries, which puts the discretion in his hands. Will forward the caveat to Attorney Farley for his review and draft for the Board's consideration at our next meeting.

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ZONING FEES

Councilwoman Buell recommends the Board consider changing the application fee for site plan review and zoning permits. She feels our current rate of \$.21 per square foot of the planned project is substantially high. Other Towns have a more uniform fee schedule. She suggested \$50 for use change, \$75 for new construction and \$100 for use or area zoning variance. After discussion, the following resolution was presented.

RESOLUTION NO. 69 OF 2020 AMENDMENT OF SITE PLAN REVIEW AND ZONING PERMIT APPLICATION FEES

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, that the Town of New Bremen Board hereby amends the site plan review and zoning permit application fee to the following fee schedule:

1. Use Change - \$50.00
2. New Construction - \$75.00
3. Use or Area Zoning Variance - \$100.00

BE IT FURTHER RESOLVED, said fees are to be paid by the applicant prior to final approval of the proposed site plan application and are to be submitted and collected by the Town Clerk.

RESOLUTION NO. 70 OF 2020 TOWN CLERK'S MONTHLY REPORT

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 report is approved as submitted.

RESOLUTION NO. 71 OF 2020 TAX COLLECTOR MONTHLY REPORT

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 Tax Collector's monthly report is approved as submitted.

HIGHWAY SUPERINTENDENT

Highway Superintendent Herzig reported on the following:

1. Need a formal resolution accepting bid for sale of the 2015 F-350 dually pickup through Auctions International.
2. Contacted Attorney Farley on the River Road project. He recommends not getting releases for the project. The work is done, the Agreement is fulfilled, close the books on this project. Took pictures for reference.
3. Changing culverts on Erie Canal Road, fixing driveway pipes, cutting shoulders, mowing road sides, hauling stone for stock piles and paving.
4. Received notice of authorization of CHIPS funding, however, may be subject to a reduction of up to 20% as a result of impacts from COVID-19. Approximately \$216,449.24 to spend. Gave a break down to Supervisor Keys.
5. Scheduled to pave 1.6 miles on Artz Rd this week and plan to pave 1.6 to 2 miles on Erie Canal Rd. end of July or early August.
6. Summer Youth – Cole Bennett starting this week at 30-35 hrs. per week.
7. Drafted a Shared Service Agreement between the Town and BRCS for mowing of Town property on the corner of St. Rte. 126 and Artz Rd. in exchange for salt and sand usage, etc.
8. Should we start looking at replacing a tandem dump truck and when? Repairs made to two (2) tandems.

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**RESOLUTION NO. 78 OF 2020
NBCIA YOUTH RECREATION PROGRAM**

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, that the Town Board of the Town of New Bremen does hereby enter into a contract with the New Bremen Community Improvement Association (NBCIA) to provide structured educational activities for the youth of the Town of New Bremen for the 2020 Summer Youth Recreation Program, and that the said Town of New Bremen will expend to the NBCIA the sum of \$2,000.00. Complete contract to be on file in the Town Clerk's Office.

**RESOLUTION NO. 79 OF 2020
BEAVER RIVER RECREATION ASSOCIATION
YOUTH RECREATION PROGRAM**

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, that the Town Board of the Town of New Bremen does hereby enter into a contract with the Beaver River Recreation Association to provide instructional and recreational swim and structured recreational activities for the youth of the Town of New Bremen for the 2020 Summer Youth Recreation Program, and that the Town of New Bremen will expend to the Beaver River Recreation Association the sum of \$2,500.00. Complete contract to be on file in the Town Clerk's Office.

**RESOLUTION NO. 80 OF 2020
SUPERVISOR'S FINANCIAL 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 Supervisor's monthly financial report is approved as submitted.

**RESOLUTION NO. 81 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 #6 & #7 of 2020 and also approved the report of prior to audit payments for insurance and utility payments.

General	Voucher #63 thru #78	\$12,344.57	H. Insurance - \$10,316.86
Highway T-Wide	Voucher #64 thru #73	\$9,626.35	Utilities - \$1,589.26
Highway T-Outside	Voucher #12 thru #15	\$7,200.98	

The next regular meeting of the Town Board of the Town of New Bremen will be held on August 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 Councilman Aucter, the meeting was adjourned at 8:49 p.m. Carried unanimously.