

REGULAR MEETING
July 12, 2021

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 July 2021.

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

Absent - Alexis L. Lyndaker, Councilwoman

Attended by: Ian Gilbert – Legislator and daughter Rhonda, Donald & Cynthia Sauer, Jordan Brandt – Red Barn Meats, Inc., Kevin Bamann – GYMO Project Engineer

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

RESOLUTION NO. 60 OF 2021
APPROVAL OF MINUTES

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

RESOLVED, the minutes of the June 14, 2021 meeting are approved.

OPEN PUBLIC HEARING

The Public Hearing for Site Plan Review & Zoning Permit Application No. 2-2021, submitted by Jordan Brandt, for the proposed expansion of Red Barn Meats and construction of an approximately 32,000 sq. ft. building on property located at 9095 and 9097 Briot Rd., Town of New Bremen, NY, Tax Map No. 147.00-01-18.100 and 147.00-01-18.210, was declared open at 6:32 p.m. Proof of publication in the J&R noted.

The Board reviewed and completed SEAF parts 2 and 3 for the proposed project, with notations on part 3. Donald and Cynthia Sauer – 9079 Briot Road complained about the very loud and continuous noise coming from the current mobile refrigeration unit operated at Red Barn Meats. Mr. Brandt stated it is a temporary unit and will no longer be needed when the new building is operational. He also stated he is willing to swing the trailer around to deflect the noise in a different direction once he acquires the adjoining property owned by Mr. Briot. Mr. Brandt submitted a narrative description of the proposed project for the Boards review. The County Planning Board will review said referred application at their July 15th meeting and forward their recommendations for the Town Board's consideration of approval at the August 9th meeting.

CLOSE OF PUBLIC HEARING

All questions and concerns by the public were addressed. Therefore, the public hearing was hereby closed at 6:50 p.m. After discussion, the following motion was presented concerning SEAF parts 2 and 3.

On a Motion of Councilman Aucter, seconded by Councilman Becker, 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 concerning SPRZPA NO. 2-2021 for the proposed expansion of Red Barn Meats Inc.

Ayes 3 Becker, Aucter, Keys Recusal 1 Buell Nays 0

FLOOR - SITE PLAN REVIEW APP

Kevin Bamann, GYMO Project Engineer, submitted Site Plan Review and Zoning Permit Application No. 3-2021, Village of Lowville for the proposed development of the Village of Lowville Groundwater Project, Town of New Bremen, NY, Tax Map No. 182.00-02-08.121 and 182.00-02-10.000.

(Regular Meeting of July 12, 2021 con't.)

Mr. Bamann reviewed said application with the Board and answered any questions they had. A part of the proposed project consisting of approximately 1400' of water line and 400' of electrical line will be located on the aforementioned parcels with the remainder of the project to be located in the Town of Watson. The Board of Trustees for the Village of Lowville forwarded Part 1 of the FEAF with their declaration of lead agency status and asked for the Towns consent. Discussed waiving the application fee as their first application, SPRZPA No. 1-2021 for similar project was collected by the Town Clerk, but they then pulled the application due to a change in their plans. The Board agreed to waive the fee for the new application. After review and discussion, the following resolution was presented.

RESOLUTION NO. 61 OF 2021

ACCEPTANCE/REFERRAL OF SITE PLAN REVIEW APPLICATION NO. 3-2021

On a motion of Councilman Aucter, seconded by Councilman Becker, the following resolution was

ADOPTED Ayes 3 Becker, Aucter, Keys Recusal 1 Buell Nays 0

WHEREAS, the Town Board of the Town of New Bremen reviewed Site Plan Review and Zoning Permit Application No. 3-2021, submitted by the Village of Lowville for the proposed development of the Village of Lowville Groundwater Project, Town of New Bremen, NY, Tax Map No. 182.00-02-08.121 and 182.00-02-10.000, and

WHEREAS, the Town Board hereby waives the \$75.00 application fee; and concurs with the Board of Trustees of the Village of Lowville serving as lead agency for the above referenced project, now therefore be it

RESOLVED, the Town of New Bremen accepts said application and hereby refers SPRZPA No. 3-2021 with all documentation to the Lewis County Planning Board for their review and recommendations, and be it further

RESOLVED, the Town Board of the Town of New Bremen will hold a public hearing on August 9, 2021 at 6:30 p.m. at the Town Municipal Office Building to hear all interested parties for or against said application.

NBCIA

Supervisor Keys sent a letter to Robin Houppert, President of the NBCIA requesting her attendance at tonight's meeting. She did not attend and have not heard from her. The Board decided to hold the contract and funds until further information has been received from Mrs. Houppert.

ARPA FUNDS

Supervisor Keys submitted the request for American Rescue Plan Act (ARPA) Funding and received confirmation of a total payment of \$242,394.00, of which half will be paid this summer and second half in the summer of 2022. However, he was unable to connect with the webinar on July 9th. Discussion followed on what projects to invest in with the funds, examples: clean-up of the old cheese plant, Beaver Falls Water District – replace water line on Cut Off Rd., facade improvements, recreation. Funds need to be spent by 2024. More discussion needed.

Legislator Gilbert stated the County will be touring the old cheese plant in hopes of cleaning up the site and getting it back on the tax roll. Joint venture with the Town with ARPA funds??

COUNCIL REPORTS

Councilwoman Buell

1. Eric Will of AES is advocating with his company to set up a "community needs fund" for \$30,000 to \$35,000 a year through 2023 – to be distributed during the development of their solar project. The funds would go to a local non-profit organization. He will be contacting Supervisor Keys with more information.
2. Planning Board – Mackenzie Lehman and a couple other residents are interested in serving on the Towns planning board and will be sending letters of interest to the Board.
3. National Grid is looking for approximately 10 acres of land to use as a "staging area" for equipment while working in the area. Are interested in the towns old dump site, would be an approximate 2 to 3-year agreement.

(Regular Meeting of July 12, 2021 con't.)

**RESOLUTION NO. 62 OF 2021
TOWN CLERK'S MONTHLY REPORT**

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

RESOLVED, the Town Clerk's monthly report is approved as submitted.

HIGHWAY SUPERINTENDENT

Highway Superintendent Herzig reported on the following:

1. Briot Road – finished replacing culverts, planning to pave end of July early August.
2. Water System – installed and received a “satisfactory” lab report on bacteria testing.
3. Fuel and Oil Tanks – DEC inspected and will be receiving a letter in violation. New inspector found several issues that need to be remedied.
4. County Highway – continuing to credit the Town for mowing and sweeping. Possible upcoming changes.

**RESOLUTION NO. 63 OF 2021
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

**RESOLUTION NO. 64 OF 2021
DCO'S MONTHLY REPORT**

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

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

SOLAR – ZEHR & FARNEY PROJECTS

Lewis County Industrial Development Agency (IDA) reserved the town's municipal court room to hold a public hearing on July 26, 2021 at 2 p.m. relating to the Zehr and Farney Solar Project's to be located on the Brewery Road, Town of New Bremen. IDA stated the Town Board is not required to attend.

DECOMMISSIONING BONDS

Supervisor Keys received decommissioning bonds for the Zehr Solar Project and Farney Solar Project. Forwarded to Attorney Farley for his review. He feels they are in standard form, but pointed out that clause #2 in each bond indicates that the bond may be terminated or canceled on 60 days' written notice and suggested an additional term of termination of bonds, something more in the nature of six months, rather than 60 days. After review and discussion, the Board does not accept the terms of said decommissioning bonds and orders they be returned certified mail, by Supervisor Keys to Forrest Chamberlain; as stated in section nine of said bonds.

NY POWER AUTHORITY

The New York Power Authority sent information on their transmission line project. Councilman Aucter to review.

CANNABIS

Attorney Farley drafted Local Law No. 2 of 2021 entitled “A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4”, and is subject to a permissive referendum (or referendum on petition) following the procedure outlined in Municipal Home Rule Law § 24. After review, the following resolution was presented.

(Regular Meeting of July 12, 2021 con't.)

**RESOLUTION NO. 65 OF 2021
PUBLIC HEARING SET FOR "PROPOSED" LOCAL LAW NO. 2 OF 2021**

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

RESOLVED, that a Public Hearing will be held by the Town Board of the Town of New Bremen on August 9, 2021, at 6:30 p.m. located at 8420 State Route 812, Lowville, New York 13367 to consider the adoption of "proposed" Local Law No. 2 of 2021 "A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4".

COUNTY

Ian Gilbert, Legislator for District No. 4 briefed the Board on happenings at the County level.

1. Community Center – Owners of Double Play approached the County Legislator's asking for support to build a \$13.6 million-dollar community center. Half of which they hope to obtain donations and private funds for and asking the County to pitch in \$7 million for the project. The county would own the building and lease space to Double Play and other businesses. Legislator Gilbert feels it's a large project for Double Play and is looking for Town input on the project. Very preliminary. The Board has mixed concerns and feels it's a very large project and large amount of local tax dollars being used.
2. AES Solar Project - No change with the 94c.

AIS

Supervisor Keys attended a gathering at Adirondack International Speedway with county, town, state officials along with the potential buyers of the speedway. Toured the facility and discussed reopening. Sounds promising.

**RESOLUTION NO. 66 OF 2021
VILLAGE OF CROGHAN YOUTH RECREATION PROGRAM**

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

RESOLVED, that the Town Board of the Town of New Bremen does hereby enter into a contract with the Village of Croghan to provide structured educational activities for the youth of the Town of New Bremen for the 2021 Summer Youth Recreation Program, and that the said Town of New Bremen will expend to the Village of Croghan the sum of \$4,000.00. Complete contract to be on file in the Town Clerk's Office.

**RESOLUTION NO. 67 OF 2021
BEAVER RIVER RECREATION ASSOCIATION
YOUTH RECREATION PROGRAM**

On a motion of Councilman Becker, seconded by Supervisor Keys, the following resolution was
ADOPTED Ayes 4 Becker, Aucter, Buell, 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 2021 Summer Youth Recreation Program, and that the Town of New Bremen will expend to the Beaver River Recreation Association the sum of \$3,000.00. Complete contract to be on file in the Town Clerk's Office.

**RESOLUTION NO. 68 OF 2021
SUPERVISOR'S FINANCIAL REPORT**

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

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

(Regular Meeting of July 12, 2021 con't.)

**RESOLUTION NO. 69 OF 2021
AUDIT OF CLAIMS**

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

RESOLVED, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #5 & #7 of 2021 and also approved the report of prior to audit payments for insurance, utilities and comptroller fees for justice court.

General	Voucher #75 thru #86	\$15,552.25	H. Insurance - \$9,493.10
Highway T-Wide	Voucher #64 thru #70	\$3,749.86	Utilities - \$1,492.64
Highway T-Outside	Voucher #14 thru #15	\$20,497.56	Comptroller - \$1,189.00

BUDGET TRANSFER

A Motion was made by Councilman Aucter, seconded by Councilwoman Buell, to transfer \$1,412.47 from A1990.4 - Contingent Fund to A1620.4 - Building Contractual Fund to cover the vouchers on Abstract #7.

Ayes 4 Becker, Aucter, Buell, Keys Nays 0

NEW BUSINESS

Supervisor Keys will be handing out budget request forms in August in preparation for the 2022 Budget.

The next regular meeting of the Town Board of the Town of New Bremen will be held on August 9, 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 8:47 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector