

REGULAR MEETING
MARCH 9, 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 9th day of March 2020.

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

Absent: Peter J. Keys, Supervisor

Attended by: John Young - Deputy DCO, Ian Gilbert – Co. Legislator and 4 other individuals

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

**RESOLUTION NO. 26 OF 2020
APPROVAL OF MINUTES**

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

RESOLVED, the minutes of the February 10, 2020 meeting are approved.

FLOOR

Anthony Young, Sr. Project Engineer at Barton & Loguidice (B&L) presented a copy of a letter sent from The NYS Department of Public Service in reference to the application of New Bremen Solar, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to construct an approximately 100-megawatt Solar Energy Generation Facility called New Bremen Solar in the Town. They reviewed the proposed Public Involvement Program Plan (PIP Plan) for the proposed New Bremen Solar Project which was filed on February 3, 2020, by New Bremen Solar, LLC (applicant). B&L would assist in the review of the environmental impacts associated with the proposed solar project. The Town can make a request to the NYS Department of Public Services for Intervener funding. This money can be used to retain the services of an engineering firm and environmental counsel to assist with technical and legal aspects of the project. Mr. Young mentioned Teresa Bakner with Whiteman, Osterman & Hanna; Attorney Farley and James Burrows of Conboy law firm have also shown interest in representing the Town.

After discussion, the Board asked that B&L send a proposal for the Boards review and if possible that Stephen LeFevre of B & L attend the public meeting to be held by Geronimo Energy on the proposed project, to be held in mid April.

Further discussion followed pertaining to a PILOT along with many other aspects involved with the proposed solar project. Waiting to hear back from Geronimo Energy to discuss a PILOT and if they set a date for their community meeting they are required to hold.

DCO TRAINING

Mr. Astafan asked for permission to attend the 11th Annual DCO/ACO Conference in Guilderland, NY – May 6-7 and is \$50 to attend. Will need to cover cost of hotel, mileage and meals as they are not included. This would be a shared expense with the three Towns and will be billed by the Town of Lowville at the end of 2020.

**RESOLUTION NO. 27 OF 2020
DCO CONFERENCE**

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

RESOLVED, that DCO Astafan has permission to attend the Annual DCO/ACO Conference - May 6 through 7th.

**RESOLUTION NO. 28 OF 2020
DCO MONTHLY REPORT**

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

RESOLVED, the DCO monthly report is approved as submitted.

COUCIL REPORTS

Councilwoman Buell

1. Continuing discussion with DEC concerning clean up of the pond; they are still interested in the standardized fishing dock there.
2. Upcoming possible changes to the Article 10 & 23 process that could affect the proposed solar project.
3. Working on drafting an amendment to our Site Plan local law to add restrictions for solar projects.

Councilwoman Lyndaker - Received several complaints concerning the Assessor and not holding office hours as posted. Supervisor Keys is aware and will discuss with Mr. Ball.

No formal letters of interest in the planning board or zoning board of appeals have been received yet, but did have a couple verbal interests.

TAX COLLECTOR

Collector Jones reviewed her report with the Board and noted that the funds turned over to the Supervisor for February for interest & installment fees collected, reflected a refund of \$11.00 from XpressPay (bill they were not supposed to send and collect) along with a deduction of \$120.00, a charge that was direct debited from the tax collector's checking account by Bankcard on 2/10/20 for their annual fee for 2020 for the Towns collection of taxes by credit card/eCheck, which was approved by resolution of this Board in September of 2019. The company was told that we require a paper invoice and that direct debiting from our account was not an acceptable practice as stated by the Comptroller and we were reassured from Gary Debase of Xpress-pay that this would not be a problem. We Tax Collector's using their services are all displeased to say the least. Notes were made on several reports explaining the issue.

**RESOLUTION NO. 29 OF 2020
TOWN CLERK & TAX COLLECTOR'S MONTHLY REPORTS**

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

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

GRAVEL BIDS

Received one (1) sealed bid for bank run gravel. After discussion, the following resolution was presented.

**RESOLUTION NO. 30 OF 2020
BANK RUN GRAVEL BID**

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

RESOLVED, that the Clerk presented Proof of Advertising to bid for bank run gravel in the Journal & Republican. The following bids were received:

Bush Enterprises - \$1.35 per yard

BE IT FURTHER RESOLVED, that the bid for bank run gravel is hereby accepted.

HIGHWAY

Highway Superintendent Herzig reported on the following:

1. Town is to sweep the Kirschnerville Rd from the Village of Croghan to Erie Canal Rd intersection and will continue to mow all County roads. This will allow us to keep building some credit for miscellaneous parts or services received from the county. Waiting on agreement from the County for sweeping/mowing. Will post a notice on social media on the subject also.
2. Replaced sander chain on single axle truck #5, replaced passenger side rear hub and 2 rims on truck #35 and air dryer on truck #22 and fixed air leaks.
3. Put 6 new tires on dually pickup, replaced front brakes and lower tie rod end on passenger side, changed out rear parking brake shoes and both rear seals. Possible wheel bearing going also.
4. Met with Don Morey and Bridge NY on the 3 bridges we are looking to replace. The bridge on Erie Canal Rd by Randy Peters definitely is in need of replacement due to a hole that continues to reopen. Towns share is yet to be determined; possible 90% covered by Bridge NY.
5. Broom on the backhoe is ready for sweeping – Viking built new shield, built new frame work, fastened shield and sandblasted, primed and painted.
6. Looked further in to the summer youth program – they need to be supervised at all times. Would like to hire 2 workers if possible.
7. Winter snow storm clean up throughout the Town and at School.
8. Is there a plan in place to replace a plow truck and if so when, as trucks are a year out after ordering.
9. Would like permission to advertise to fill the fulltime MEO position recently held by Chris Murphy as his last day is April 3rd and hoping to fill the position by April 1st. The Board agreed to hire after April 3rd.
10. New dually pickup was shipped to Buffalo to get dump body put on and then delivered to Nortz and Virkler's hopefully by the end of the month. Plan to take directly to All Season's for installation of the plow.
11. Started ordering salt for the 2020-2021 winter.

**RESOLUTION NO. 31 OF 2020
PERMISSION TO ADVERTISE MEO POSITION**

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

RESOLVED, that Highway Superintendent Herzig is authorized to advertise to fill the full time MEO position with requirement of having a commercial driving license. To be placed for 1 week in the J & R and listed on linkinglewiscounty website.

**RESOLUTION NO. 32 OF 2020
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

COUNTY

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

1. According to Ryan Piche it would not be feasible to have consolidated IT services with the County unless they hired another employee to handle it.
2. County is continuing to work on their capital plan for new buildings or renovations etc.

TOWN POLICIES

The Board reviewed the proposed changes to the Employment and Liability Guidelines policy drafted by Councilwoman Lyndaker to add section 6 through 8 - Time Records, Pay Period & Check Distribution and Town Property. It was suggested to change the following wording: "time records are kept by all employees" and "timesheets are to be signed off by the Department Head". After discussion, the following resolution was presented.

**RESOLUTION NO. 33 OF 2020
AMENDMENT TO THE EMPLOYMENT & LIABILITY GUIDELINES**

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

RESOLVED, that the Town Board reviewed and hereby amends the Towns Employment & Liability Guidelines policy with the suggested change and that new copies are to be issued to all employees and Board members.

TOWN PROPERTY

Deputy Supervisor Aucter reported to the Board the following

1. Cell phone issue brought up at February meeting - it was a municipal plan, therefore there was no cost to the Town for cell phones. He explained that Mr. Bush came in to office with his own personal cell phone and number and upgraded his personal cell in order to keep his number, there was no cost to the town. "He came in with a phone and left with a phone". He feels it's a wash. Mr. Aucter stated for future reference that two (2) individuals should be listed on an account for security purposes.
2. The laptop went to Adam Zehr at the County to try and rectify Google synching his phone to his computer. Mr. Zehr could not undo and that's why Mr. Bush kept the Highway email as his when he left office.
3. The Board is aware of these discrepancies in Town policies and has made changes to the ELG Policy to address any future problems and feels this is a done issue.

Discussion of discrepancy in cell phone bills back in 2015 or 2016 brought up by Sue Sauer when she was on the Town Board that she feels was never addressed properly. Mr. Aucter stated that he will look further.

**RESOLUTION NO. 34 OF 2020
SUPERVISOR'S FINANCIAL REPORT**

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

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



**RESOLUTION NO. 35 OF 2020
AUDIT OF CLAIMS**

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

RESOLVED, that Deputy Supervisor Aucter is authorized and directed to pay the following amounts on Abstract #3 of 2020 and also approved the report of prior to audit payments for insurance, utilities and comptroller fees for justice court

General	Voucher #25 thru #34	\$1,404.72
Highway T-Wide	Voucher #28 thru #44	\$54,596.58
H. Insurance -		\$9,038.05
Utilities -		\$2,653.44
Comptroller -		\$890.00

OTHER BUSINESS

Discussed legal representation for Article 10 process for the proposed solar project by Geronimo Energy. Attorney Farley and Conboy law firm both expressed interest in representing the Town. Tabled until April meeting and return of Supervisor Keys.

Candy Akin of the Office of Lewis County E911 Address Maintenance sent a “private road name request” for the Boards approval for a private road which they received a request for a 911 address on. They are suggesting naming this private road “Pine Bluff Road”. Noted in the letter, the Board’s approval does not constitute this private road becoming a town road; and would continue to be a private road and is merely for adopting the name of the road for 911 purposes. After discussion, the following resolution was presented.

**RESOLUTION NO. 36 OF 2020
PRIVATE ROAD NAME REQUEST**

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

RESOLVED, to accept the naming of this private road as Pine Bluff Road as requested by the Office of Lewis County E911 Address Maintenance, and be it further

RESOLVED, that said road remains a private road and will not be maintained by the Town of New Bremen as stated by the County 911 Office.

The next regular meeting of the Town Board of the Town of New Bremen will be held on April 13, 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 Lyndaker, the meeting was adjourned at 8:53 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector