

REGULAR MEETING  
November 9, 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 at the Town Municipal Office Building, 8420 State Rte. 812, New Bremen, New York on the 9<sup>th</sup> day of November 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: Ian Gilbert – Legislator, Sean Reardon – Tetra Tech, Greg Hering – ClearPath Energy, Lori and Randall Turck, Skyler Farney and 7 other attendees.

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

**RESOLUTION NO. 118 OF 2020  
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 October 12, 2020 meeting are approved.

**SITE PLAN REVIEW APP**

Sean Reardon of Tetra Tech and Greg Hering of ClearPath Energy, LLC presented two (2) site plan applications for the Boards consideration. Review followed. Site Plan Review and Zoning Permit application No. 5-2020; 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. Upon completion, the proposed project will provide renewable power to the existing electrical grid via an interconnection point along Brewery Road. Referred to as the “Zehr Solar Energy Project”, to be located at 7057 Brewery Road on the Myron D. Zehr property, Tax Map No. 147.00-01-22.100.

Site Plan Review and Zoning Permit application No. 6-2020; 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. Upon completion, the proposed project will provide renewable power to the existing electrical grid via an interconnection point at 7194 Brewery Road. Referred to as the “Farney Solar Energy Project”, to be located at 7194 Brewery Road on the Farney Lumber Corporation property, 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.

The Board reviewed both applications and deemed them both complete. Parts 2 and 3 of the FEAF will be completed after lead agency status has been established. Both projects are considered a Type 1 action (over 10 acre project) therefore, the Board is required to inform any potentially involved agencies of the proposed projects before accepting lead agency status. After review and discussion, the following resolutions were presented.

**RESOLUTION NO. 119 OF 2020  
ACCEPTANCE/REFERRAL OF SITE PLAN REVIEW APPLICATION 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, the Town Board of the Town of New Bremen reviewed Site Plan Review and Zoning Permit Application No. 5-2020, submitted by Greg Hering, ClearPath Energy, LLC; 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, now therefore be it

RESOLVED, the Town Board accepts said application, has identified said project as a Type 1 action with all potentially involved agencies to be informed of the project and hereby refers SPRZPA No. 5-2020 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 December 14, 2020 at 6:30 p.m. at the Town Municipal Office Building to hear all interested parties for or against said application.

**RESOLUTION NO. 120 OF 2020  
ACCEPTANCE/REFERRAL OF SITE PLAN REVIEW APPLICATION NO. 6-2020**

On a motion of Councilman Aucter, seconded by Councilwoman Lyndaker, 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 reviewed Site Plan Review and Zoning Permit Application No. 6-2020, submitted by Greg Hering, ClearPath Energy, LLC; 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, now therefore be it

RESOLVED, the Town Board accepts said application, has identified said project as a Type 1 action with all potentially involved agencies to be informed of the project and hereby refers SPRZPA No. 6-2020 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 December 14, 2020 at 6:30 p.m. at the Town Municipal Office Building to hear all interested parties for or against said application.

**NEW SITE PLAN APPLICATION**

Councilwoman Buell drafted a newly updated site plan application for the Boards consideration. After review, the following motion was made.

Motion, by Councilman Becker, seconded by Councilman Aucter, to start using the new site plan review and zoning permit application immediately.

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

**RESOLUTION NO. 121 OF 2020  
SITE PLAN REVIEW & ZONING PERMIT APPLICATION NO. 3-2020**

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 Site Plan Review & Zoning Permit Application No. 3-2020 submitted by Lori and Randall Turck, 5468 State Rte. 410, Castorland, New York, to reopen and operate Pond Effects Bar & Grill, located at 7575 Snell Road, Town of New Bremen, NY, Tax Map No. 179.00-04-14.200, 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. 3-2020, contingent upon the applicant complying with the conditions set forth by the County Planning Board.

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

**OPEN PUBLIC HEARING**

The Public Hearing for Site Plan Review & Zoning Permit Application No. 4-2020; proposed development - CNF Repair LLC, requesting a use change from commercial storage to repair shop located at 8685 State Rte. 812 Town of New Bremen, was declared open at 6:59 p.m. Proof of publication in the J&R noted.

Applicant, Skyler Farney submitted an updated SEAF part 1 per the Boards request. The Board reviewed SEAF parts 2 and 3 for said site plan application and questioned whether there is current drainage for oil or oil spills. Mr. Farney stated there is no drainage and will be collecting all waste oil to be burned in an onsite oil furnace. The use of speedy dry or litter will be used to clean up any spills.

Councilwoman Buell spoke with Co. Building Codes concerning the project and they stated all clean up procedures as stated above are compliant with their office.

**CLOSE OF PUBLIC HEARING**

All questions and concerns by the public were addressed. Therefore, the public hearing was hereby closed at 7:03 p.m. After discussion, the following resolution was presented.

**RESOLUTION NO. 122 OF 2020  
ACCEPTANCE OF SITE PLAN REVIEW APPLICATION NO. 4-2020**

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

RESOLVED, the Town of New Bremen accepts said application, designation as Lead Agency for said project and determined, based on the information and analysis of all supporting documentation, that the proposed action will not result in any significant adverse environmental impacts and issued a negative declaration of the Type II action in accordance with 6 NYCRR Part 617; and hereby refers SEAF parts 2 and 3 for SPRZPA No. 4-2020 to the Lewis County Planning Board for their review and recommendations, and be it further

RESOLVED, the Board to formally move on said site plan upon receipt of a response from the Lewis County Planning Board on said project.

**OPEN PUBLIC HEARING**

The Public Hearing to consider increasing the income limit for the Aged Exemption for real property tax from the current \$15,000ss to \$20,500ss, as previously discussed at the September 28, 2020 special meeting, was declared open at 7:06 p.m. Proof of publication in the J&R noted.

**CLOSE OF PUBLIC HEARING**

There were no questions or concerns by the public. Therefore, the public hearing was hereby closed at 7:07 p.m. After discussion, the following resolution was presented.

**RESOLUTION NO. 123 OF 2020  
AGED EXEMPTION FOR REAL PROPERTY TAX**

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, the Town of New Bremen Board held a public hearing on November 9, 2020, as advertised, now therefore be it

RESOLVED; that the income limit for the Aged Exemption for real property tax be set at \$20,500ss, authorized by Section 467 of the Real Property Tax Law, and be it further

RESOLVED, that all other exemptions remain the same for 2021.

**OPEN PUBLIC HEARING**

The Public Hearing for the Preliminary Budget for 2021 was declared open at 7:08 p.m. with Proof of Publication in the J&R noted.

**CLOSE PUBLIC HEARING**

There were no questions or concerns pertaining to the 2021 Preliminary Budget were addressed. Therefore, the public hearing was hereby closed at 7:10 p.m. by Supervisor Keys. After discussion, the following resolution was presented.

**RESOLUTION NO. 124 OF 2020  
ADOPTION OF THE 2021 BUDGET**

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

WHEREAS, the Town Board of the Town of New Bremen did meet at the time and place as advertised, now therefore

BE IT RESOLVED, that the Town Board of the Town of New Bremen does hereby adopt such Preliminary Budget of the Town of New Bremen for fiscal year 2021 and said budget will be attached to the proceedings of this meeting, and be it

FURTHER RESOLVED, that the Town Clerk shall prepare and certify a copy of the annual budget as adopted by the Town Board pursuant to Town Law and within 5 days thereof deliver 2 copies to the Supervisor for submission to the Board of Legislators.

**ZONING**

A hearing was held by the Town Board on October 12, 2020, to discuss the unsafe building on the property located at 8352 State Rte. 812 Town of New Bremen owned by Stanley and Alice Mathys; both of whom did not appear before the Board. Proof that all parties were notified of said hearing was confirmed by Zoning Officer Dailey. Mrs. Mathys advised Clerk Jones they received notice of the hearing and they are in the process of cleaning up and removing the building. After discussion, the following resolution was presented.

**RESOLUTION NO. 125 OF 2020  
REMOVAL OF UNSAFE BUILDING**

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

WHEREAS, the Town Board held a hearing regarding the property owned by Stanley and Alice Mathys, located at 8352 State Rte. 812, Town of New Bremen, Tax Map #163.00-01-13.210, and therefore be it

RESOLVED, the structure located on said property was found to be unsafe, and due to partial collapse, the structure is unsecured and unfit for its intended purpose and is beyond repair, and be it further

RESOLVED, the land owners have thirty (30) days to demolish and remediate the site of debris.

**COUNCIL REPORTS**

Councilwoman Lyndaker

- Walk/Bike Trail - Researched property owners located along Crystal Creek – Kovach, Gracey and Glenn. Would landowners be interested in giving an easement for a walk/bike trail? Will look at further.

**RESOLUTION NO. 126 OF 2020  
TOWN CLERK’S MONTHLY 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 Town Clerk’s monthly report is approved as submitted.

**HIGHWAY SUPERINTENDENT**

Highway Superintendent Herzig reported on the following:

1. Paved section they dug up on Benton Rd.
2. Plows and wings are on trucks and markers put on all routes.
3. Working on ditching, shoulders and dirt roads before winter.
4. Working with County and surrounding Towns on a plan to assist each other if people in each location are out sick.
5. Cleaned up around highway garage and took 3 loads of scrap.
6. Need to advertise for fuel bids. The Board would like a specific start date for the delivery of winter blend diesel fuel.
7. Supervisor Keys – would like the Board to consider purchasing a new tandem as quoted and reviewed by the Board at the October 12<sup>th</sup> meeting.

After discussion, the following resolutions were presented.

**RESOLUTION NO. 127 OF 2020  
ADVERTISE FOR FUEL BIDS**

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, to advertise for bid unleaded gas and diesel fuel for the 2021 year, with a start date for the delivery of winter blend diesel fuel, for 1 week in the Journal & Republican and posted on linkinglewiscounty.com. Bids will be opened on December 14, 2020 at 6:30 p.m. at the Town Municipal Office Building.

**RESOLUTION NO. 128 OF 2020  
PURCHASE OF NEW TANDEM**

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

RESOLVED, to purchase 1 - 2021 – 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.

**RESOLUTION NO. 129 OF 2020  
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

**RESOLUTION NO. 130 OF 2020  
DCO MONTHLY REPORT**

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

RESOLVED, the Dog Control Officer's monthly report is 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. Continuing to do drive through COVID testing at the hospital and looking to designate a parking lot for the upcoming inclement weather.
2. County budget is showing only a .8% increase for 2021 – public hearing coming up.

**HEALTH OFFICER**

Sean Harney submitted his resignation as Town Health Officer effective December 31, 2020 for New Bremen and all other Towns he represented. Supervisor Keys contacted Dyana Manning, Physician's Assistant from Turin and she is willing to serve as the Towns Health Officer. The Board will make an appointment at the December 14, 2020 meeting.

**RESOLUTION NO. 131 OF 2020  
AMBULANCE SERVICE CONTRACT - LCSR**

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

RESOLVED, that a public hearing will be held on December 14, 2020 at 6:30 p.m. at the Town Municipal Office Building for the purpose of renewing a 1 year contract with Lewis County Search and Rescue, Inc. for Ambulance Service for the residents of the Town of New Bremen for 2021 with compensation to be set at \$6,315.98. Notice of the Public Hearing is to be published for 1 week in the Journal & Republican and posted on [linkinglewiscounty.com](http://linkinglewiscounty.com).

**RESOLUTION NO. 132 OF 2020  
AMBULANCE SERVICE CONTRACT - BFFD**

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

RESOLVED, that a public hearing will be held on December 14, 2020 at 6:30 p.m. at the Town Municipal Office Building for the purpose of renewing a two (2) year contract with the Beaver Falls Fire Department, Inc. for emergency and general ambulance service to the Town of New Bremen with compensation to be set at \$8,000.00 a year. Notice of the Public Hearing is to be published for 1 week in the Journal & Republican and posted on [linkinglewiscounty.com](http://linkinglewiscounty.com).



**RESOLUTION NO. 133 OF 2020  
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. 134 OF 2020  
AUDIT OF CLAIMS**

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, that Supervisor Keys is authorized and directed to pay the following amounts on Abstract #10 & #11 of 2020 and also approved the report of prior to audit payments for insurance, utility, comptroller, water bill and plow payments.

General	Voucher #111 thru #125	\$9,187.15
Highway T-Wide	Voucher #99 thru #109	\$20,534.57
Highway T-Outside	Voucher #33 thru #37	\$28,839.91
Insurance - \$10,006.69		
Comptroller - \$1,954.00		
Utilities - \$1,488.33		
Village of Lowville (Water) - \$1,572.16		
All Seasons (Plow) - \$6,850.00		

The next meeting of the Town Board of the Town of New Bremen will be held on December 14, 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 8:10 p.m. Carried unanimously.

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Elizabeth B. Jones, RMC  
Town Clerk/Tax Collector