

REGULAR MEETING
September 14, 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 14th day of September 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: Nicholas Astafan–DCO, Ian Gilbert–Legislator, Darlene Hunkins–Beaver River Recreation, Sean Reardon–Tetra Tech, Burke Niner–ClearPath Energy and 11 other attendees.

Supervisor Keys called the meeting to order at 6:31 p.m. with the Pledge to the Flag.

**RESOLUTION NO. 92 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 August 10, 2020 meeting are approved.

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 6:32 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 and to protect our view of landscape, Ag lands and our residents. Discussion followed concerning lease agreements and the importance of having a decommissioning plan in place for solar projects.

CLOSE PUBLIC HEARING

All questions and comments by the public were addressed; the public hearing was hereby closed at 6:40 p.m. by Supervisor Keys.

**RESOLUTION NO. 93 OF 2020
ADOPTING LOCAL LAW NO. 1 OF 2020
SOLAR ENERGY SYSTEM LAW**

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

RESOLVED, that the New Bremen Town Board hereby adopts Local Law No. 1 of 2020–Solar Energy System Law of the Town of New Bremen.

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

FLOOR

Supervisor Keys opened the floor to Sean Reardon of Tetra Tech whom is working with ClearPath Energy LLC on two (2) upcoming 'proposed' solar projects. Mr. Reardon presented and reviewed Sketch Plans for the Zehr Solar Project to be located at 7057 Brewery Road and the Farney Solar Project to be located at 7194 Brewery Road in the Town of New Bremen. The initial plans show both projects will be 3 to 5 megawatts located in a clearing behind existing buildings to be less visible from the road and will utilize less productive land and farm land. He stated Site Plan Review & Zoning Permit applications will be submitted within a month or so, with possible construction in spring of 2021.

FLOOD DAMAGE CONTROL LAW

Board reviewed 'proposed' Local Law No. 2 of 2020–Amending Local Law No. 3 of the year 2000 related to Flood Damage Control and Amending Local Law No. 2 of the year 2018 for the inclusion of additional section for 'Interpretation of FHBM, Firm or FBFM boundaries' to give authority to the Local Administrator to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions. After review and discussion, the following resolution was presented.

**RESOLUTION NO. 94 OF 2020
PUBLIC HEARING SET FOR "PROPOSED" LOCAL LAW NO. 2 OF 2020**

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, that a Public Hearing will be held by the Town Board of the Town of New Bremen on October 12, 2020, 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 2020-- "Amending Local Law No. 3 of the year 2000 related to Flood Damage Control and Amending Local Law No. 2 of the year 2018".

SITE PLAN REVIEW APP

Lori and Randall Turck, 5468 State Rte. 410, Castorland, New York, submitted Site Plan Review and Zoning Permit Application No. 3-2020 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. Said project is subject to review pursuant to the terms of the Site Plan Review and Zoning local law, previous use was discontinued for a period of two (2) years, therefore a new SPRZP application is required along with a \$50 application fee which has been paid by the applicant. The Board reviewed said application and completed SEAF parts 2 and 3. After review and discussion, the following resolution was presented.

**RESOLUTION NO. 95 OF 2020
ACCEPTANCE/REFERRAL OF SITE PLAN REVIEW APPLICATION NO. 3-2020**

On a motion of Councilman Becker, 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. 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, now therefore be it

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 SPRZPA No. 3-2020 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 October 12, 2020 at 6:30 p.m. at the Town Municipal Office Building to hear all interested parties for or against said application.

BEAVER RIVER REC

Darlene Hunkins, President of the Beaver River Recreation Association thanked the Board for their continued support and gave a brief report on the 2020 summer happenings at the beach - was extra busy due to COVID-19 and people staying locally for recreational activities. Also, asked the Board to consider increasing their funding for 2021.

COUNCIL REPORTS

Councilman Aucter

- Contacted Lake Effect Tech for pricing on tablets - \$300 to \$400 each. Also offer tech service contracts if the Board was interested. Mr. Aucter will contact other Towns that utilize tablets to see how they work for them.
- Received a phone call concerning benches in the park/walking trails. Not there. Highway Superintendent Herzig will look into it.

Councilwoman Buell

- Cemetery mapping of NBRC on Patty Street--Is researching possible grant options to help defer the cost of such a project and contacting other towns that are doing a similar project. The Town already took advantage of a one (1) time grant for abandoned cemeteries. Will try other avenues.

Councilwoman Lyndaker

- Continuing research on possible funds through the Beaver River Water Shed program to help clean up the beach.
- Councilwoman Buell--might be possible to do a combined application for the fishing pier/dock and clean up of the beach. Continuing research.

**RESOLUTION NO. 96 OF 2020
TOWN CLERK'S 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 Town Clerk's monthly report is approved as submitted.

HIGHWAY SUPERINTENDENT

Highway Superintendent Herzig reported on the following:

1. Paved 1.8 miles on Erie Canal Rd. and 1100 ft. on Tillman Rd. and County put shoulders on.
2. Will be chip sealing Erie Canal, Beech Hill and Tillman Roads.
3. Submitted quote for 2021 International Tandem from Stadium International Trucks - \$207,132.00. Price will go up \$10,000 after 1st of the year. When ordering before the 1st quoted price will be honored. Truck would not arrive for approximately 1 year later. Will discuss further during the budget process.
4. Summer Youth Program for 2020 has come to an end.
5. Sand and salt put up for the winter.
6. Informed via email CHIPS funding will be pulled back 20%. Resubmitted paperwork for Artz Rd. project. Should see reimbursement in early October.
7. Stolen barrels with lights have not been recovered. A couple that were retrieved, were smashed.

**RESOLUTION NO. 97 OF 2020
JUSTICES MONTHLY REPORTS**

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 Justices monthly reports are approved as submitted.

DCO

Nicholas Astafan submitted his monthly report to the Board.

**RESOLUTION NO. 98 OF 2020
DCO MONTHLY REPORT**

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 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.

BOARD OF ASSESSMENT REVIEW

H. Terry Opela's term of office on the BAR ends September 30, 2020, and has agreed to serve another term. After discussion, the following resolution was presented.

**RESOLUTION NO. 99 OF 2020
BOARD OF REVIEW REAPPOINTMENT**

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 H. Terry Opela is hereby reappointed to the Board of Assessment Review, term of office October 1, 2020 to September 30, 2025.

REAL PROPERTY TAX EXEMPTIONS

Reviewed the current real property tax exemptions and whether they should remain the same for 2021. Assessor Ball recommended increasing the aged exemption from \$15,000ss to at least \$17,000ss up to \$20,500ss. Councilman Aucter would like to hear from Assessor Ball as to why the increase and the impact it would have on the remaining tax payers. Tabled at this time.

HAZARD MITIGATION PLAN

Jen Maracchion, Emergency Management Assistant sent a copy of the 2019 Lewis County Hazard Mitigation Plan (HMP) which has been prepared in accordance with the Disaster Mitigation Act of 2000; and asked the Board to adopt said plan. Primary point of contact needs to be updated to Highway Superintendent Herzig's information, in which Clerk Jones emailed Ms. Maracchion the updated information. The Board did not all receive said plan, therefore would like to review further before adopting.

B & B INSURANCE

Brown & Brown of New York, Inc., insurance broker for the Town sent a Business Associate Agreement for the Board's approval; is required under HIPAA to enter into a privacy/security with the Plan. Also need to update group information forms for 2021. After review, the following resolution was presented.

**RESOLUTION NO. 100 OF 2020
BUSINESS ASSOCIATE AGREEMENT APPROVAL**

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 Supervisor Keys is authorized to sign the Business Associate Agreement with Brown & Brown of New York, Inc., and be it further

RESOLVED, that all required group information forms for health and dental coverage for 2021 for Town of New Bremen employees covered by the Excellus BCBS plan be completed.

ZONING

Ward Dailey, Zoning Officer sent a report and recommendations in accordance to Local Law No. 2 of 2000–Unsafe Buildings Law concerning a complaint ordering to investigate an unsafe building on property located at 8352 State Rte. 812 owned by Stanley and Alice Mathys, Town of New Bremen. In his opinion the structure is beyond repair and feels the only logical course is to remove the structure and remediate the site of debris. After review, the following resolution was presented.

**RESOLUTION NO. 101 OF 2020
ORDER FOR DEMOLITION & REMOVAL**

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, the Town of New Bremen Board reviewed and considered Zoning Officer Dailey's report and deems the collapsed structure as unsafe and dangerous and order its demolition and removal of debris from said property located at 8352 State Rte. 812, Town of New Bremen, NY owned by Stanley and Alice Mathys.

BUDGET

Supervisor Keys submitted copies of the 2021 Tentative Budget to the Board.

**RESOLUTION NO. 102 OF 2020
SUPERVISOR'S MONTHLY 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. 103 OF 2020
AUDIT OF CLAIMS**

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 Supervisor Keys is authorized and directed to pay the following amounts on Abstract #8 & #9 of 2020 and also approved the report of prior to audit payments for insurance, utility and comptroller payments.



(Regular Meeting of September 14, 2020 con't.)

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|-------------------|----------------------|--------------|--------------------------|
| General | Voucher #89 thru #98 | \$3,909.60 | Insurance - \$9,857.17 |
| Highway T-Wide | Voucher #79 thru #91 | \$3,014.17 | Utilities - \$1,525.18 |
| Highway T-Outside | Voucher #19 thru #25 | \$100,841.65 | Comptroller - \$1,336.00 |

IDA

Lewis County IDA sent a letter advocating for renewable energy projects within the county, but also to preserve our largest industry, agriculture. They have been working with County Planning & Real Property departments and Lewis County Soil and Water and local attorneys to better understand the solar process and determine how we can work together to become more aware of solar projects and proactively understand our own priorities and goals for solar development. Working to update their Uniform Tax Exemption Policy and Guidelines (UTEP) and asked that the Board review said policy and provide them with our comments and feedback by September 25, 2020.

**RESOLUTION NO. 104 OF 2020
BUDGET WORKSHOP MEETING DATE SET**

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 Town Board will hold a budget workshop on September 28, 2020 at 6:30 p.m. at the Town Municipal Office Building.

The next regular meeting of the Town Board of the Town of New Bremen will be held on October 12, 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 8:21 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector