

REGULAR MEETING
September 13, 2021

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 13th day of September 2021.

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

Attended by: Kevin Bamann, GYMO, Dale Catlin, John Jones, BFWD Commissioner

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

RESOLUTION NO. 79 OF 2021
APPROVAL OF MINUTES

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

RESOLVED, the minutes of the August 9, 2021 meeting are approved.

FLOOR

Supervisor Keys opened the floor to the public. Dale Catlin, 9554 Addison Ave., Town of New Bremen – is very concerned for the children's safety that are crossing the Artz Road from the Beaver River Central School to Addison Ave., and feels there should be a crosswalk installed there for their safety. Todd Green from BRCS had the same concern last year and Highway Superintendent Herzig contacted the NYS Department of Transportation to look into it, but they determined that a crosswalk was not needed. After discussion, the Board agreed that a crosswalk should be looked into further through the state DOT and feels the school should send a letter in support of a crosswalk. Highway Superintendent Herzig will contact the DOT.

SITE PLAN REFERRAL

Lewis County Planning Board reviewed the referred 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, 182.00-02-09.000 and 182.00-02-10.000, at their August 19, 2021 meeting and submitted their letter of approval with two (2) conditions listed.

Discussion – Supervisor Keys received a letter from Kevin Bamann, GYMO Project Engineer, updating their letter dated July 6, 2021, pertaining to the Village of Lowville Groundwater Project and request for site plan approval. Said letter omitted a parcel that part of the water main is planned to be constructed on, Tax Map #182.00-02-09.000 owned by Patrick Morse. Supervisor Keys asked if the rock piles left from a previous water project performed by the Village of Lowville, would be removed from the property. Mr. Bamann stated they will not be removed. Councilwoman Buell stated it was understandable as it was a separate project completed years ago. After discussion, the following resolution was presented.



RESOLUTION NO. 80 OF 2021

SITE PLAN REVIEW & ZONING PERMIT APPLICATION NO. 3-2021

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, that pursuant to General Municipal Law, Article 12-B, Section 239-M, the County Planning Board did review Site Plan Review & Zoning Permit Application No. 3-2021 – Village of Lowville Groundwater Project, located on County Rt. 26, Town of New Bremen, Tax Map No. 182.00-02-08.121, 182.00-02-09.000 and 182.00-02-10.000, 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. 3-2021, contingent upon the applicant complying with the following conditions set forth by the County Planning Board:

1. Conditions of easement are met and the land is restored to its former condition upon the conclusion of the proposed action.
2. Compliance with all Local, State and Federal regulations for this type of facility.

*Copy of said letter of approval is included at the end of these minutes. Mr. Bamann left the meeting.

COUNCIL REPORTS

Councilman Becker

- Received a couple phone calls concerning removal of a dead maple tree by the Crystal View; also whether or not we would be striping Artz Rd. Highway Superintendent Herzig will look into both items, striping may be next year due to scheduling the company that performs the work.

Councilman Aucter

- Suggested using some of the Towns ARPA funds to purchase a video system to live stream meetings.

Councilwoman Buell

- Spoke with Eric Will of AES Clean Energy – he has concerns and is hesitant on setbacks set forth by the Towns Solar Energy System Law.
- There apparently was an on-site visit at the old cheese factory between county representatives, etc., but no representatives from the Town were invited to attend.
- County is looking for towers to install wireless antennas and lease the space from the Township. Our current tower is 80’ tall with an additional 20’ section that can be installed, whether it would be high enough to reach over the trees near the tower.
- Lewis County Façade & Streetscape Improvement Program - aims to revitalize the historic character and attractiveness of villages and hamlets in Lewis County through public and private investment providing 75/25 matching funds for eligible improvements to mixed-use and commercial buildings and streetscape enhancements throughout the county.

RESOLUTION NO. 81 OF 2021

TOWN CLERK’S MONTHLY 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 Town Clerk’s monthly report is approved as submitted.

TAX COLLECTION

Received notification that the County Board of Legislators approved the contract for the Systems East tax collection program (TCS) for the 2022 tax collection year and will be covering the cost of the program once again.

HIGHWAY SUPERINTENDENT

Highway Superintendent Herzig reported on the following:

1. MEO position – hired Justin Mooney on 8/31/21.
2. Briot and Soft Maple Roads – put shoulders on.
3. Artz Road – paved 6 tenths of a mile using hot mix, fixed driveway entrances and put shoulders on.
4. New Holland Tractor – repaired by B. Scalzo.
5. Chipper – at Empire Hydraulics, needs new shaft and bearings. Waiting on parts.
6. Village of Croghan – helped fix intersection of Park Drive and Kirscherville Road.
7. Winter Sand – started screening and hauling sand for winter and salt.
8. New Tandem – arrived at Viking in Harrisville. Pre-build meeting on 9/21/21.
9. 8hr Days – starting 9/17/21 highway department will be back on 8hr days 7 am to 3:30 pm.
10. Laptop – ordered new laptop through Tim Munn, Pixamation Inc. Current one is slow and outdated, was purchased in 2014.

**RESOLUTION NO. 82 OF 2021
JUSTICES MONTHLY REPORTS**

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 Justices monthly reports are approved as submitted.

**RESOLUTION NO. 83 OF 2021
DCO MONTHLY REPORT**

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 Dog Control Officer's monthly report is approved as submitted.

BOARD OF ASSESSMENT REVIEW

John Scanlon's term of office on the BAR ends September 30, 2021, and has agreed to serve another term. After discussion, the following resolution was presented.

**RESOLUTION NO. 84 OF 2021
BOARD OF REVIEW REAPPOINTMENT**

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, that John Scanlon is hereby reappointed to the Board of Assessment Review, term of office October 1, 2021 to September 30, 2026.

ARPA FUNDS

Supervisor Keys stated the Town received an additional \$989.64 in ARPA funds.

Discussion followed concerning a plan/process and application to handle distribution of said funds. Councilman Aucter volunteered to draft an application and distribute to the Board for their review. Councilwoman Buell would like to see some of the funds given to the Beaver Falls Water District for the upgrade of a water line on Cut Off Road. The feeling is not mutual amongst Board members.

Discussion – Councilman Aucter doesn't feel district users are using water properly and feels the district should use funds to install a meter system instead of using funds for the new line on the Cut Off Rd. Per John Jones, Commissioner for the Beaver Falls Water District, they did look into installing meters but was very costly, over \$100,000. The district would be very appreciative of any ARPA funds the Board would give towards the new water line as previously requested. No action taken at this time.

BUDGET

Supervisor Keys submitted copies of the 2022 Tentative Budget to the Board. After discussion, the following resolution was presented.

**RESOLUTION NO. 85 OF 2021
BUDGET WORKSHOP MEETING DATE SET**

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 Board will hold a budget workshop on October 4, 2021 at 6:30 p.m. at the Town Municipal Office Building.

**RESOLUTION NO. 86 OF 2021
SUPERVISOR'S MONTHLY FINANCIAL REPORT**

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 Supervisor's monthly financial report is approved as submitted.

**RESOLUTION NO. 87 OF 2021
AUDIT OF CLAIMS**

On a motion of Councilwoman Buell, 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 #7 & #9 of 2021 and approved the report of prior to audit payments for insurance, utilities and comptroller fees for justice court.

General	Voucher #96 thru #104	\$3,526.98
Highway T-Wide	Voucher #75 thru #80	\$1,685.94
Highway T-Outside	Voucher #18 thru #23	\$112,618.67
H. Insurance - \$8,835.36	Utilities - \$1,547.80	Comptroller - \$1,185.00

NEW BUSINESS

Received correspondence from James Muscato, Counsel for New Bremen Solar, LLC/AES Clean Energy (project developers) pertaining to challenges they may have with complying with the Towns Solar Energy System Law and listed the substantive provisions and provided a preliminary assessment of the Facility's compliance. They are asking for the Town Board to review the list and confirm, in writing that there are no other applicable laws and that substantive requirements have been identified.

The Board is standing firm with the requirements set forth in our local law. Supervisor Keys was asked to invite representatives of the New Bremen Solar, LLC to attend the next regular board meeting on October 11, 2021 to discuss further.

The next regular meeting of the Town Board of the Town of New Bremen will be held on October 11, 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 8:05 p.m. Carried unanimously.

Elizabeth B. Jones, RMC
Town Clerk/Tax Collector