

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 11th day of September 2023.

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

Attended by: Tim Hunt – Co. Highway Superintendent, Ryan Piche – Co. Manager, Gerard Scutz – Foit-Albert Assoc., Jon Campeau, Marcus Bush, Barry Lyndaker, Joanne Dicob, Randy Aucler

Supervisor Keys called the meeting to order at 6:31 p.m. with the Pledge to the Flag and a moment of silence in remembrance of all those who lost their lives on 9/11.

RESOLUTION NO. 68 OF 2023
APPROVAL OF MINUTES

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

RESOLVED, the minutes of the August 14, 2023 meeting are approved.

BRIDGE NY PROGRAM

The Bridge NY Program approved the towns application, submitted by the county, for replacement of one (1) box culvert (aka 1 of the twin bridges located on the Erie Canal Road) with a 40' bridge - \$1.9 million project. Tim Hunt, County Highway Superintendent explained the replacement procedures which include: federal/state engineering survey, reporting to obtain design approval, bidding out for work and bid analysis, with construction estimated for 2026. The county pays for the project with the state reimbursing the county. Mr. Hunt explained that due to the number of projected projects, the Town may need to pitch in for a portion of the project. Need a go ahead from the town board to proceed. After discussion, the following resolution was presented.

RESOLUTION NO. 69 OF 2023
BRIDGE NY PROGRAM

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

RESOLVED, that the County proceed with the Bridge NY Program approved contract for the Town of New Bremen, Lewis County, NY.

COUNTY

Ryan Piche briefed on a few of the county building projects and their status. The Board thanked them all for attending. Left at 7 p.m.

FLOOR

Jon Campeau, highway employee representative asked to discuss possible hourly wage increase for 2024 and health/dental insurance coverage. Discussion followed with the board asking them to discuss and come back with an hourly rate they would like to receive for the boards consideration.

Randy Aucler – asked the board to consider the real property tax exemption for volunteer firefighters and volunteer ambulance service workers. Discussion followed with the board stating they will look further into the exemption.

COUNCIL REPORTS

Councilwoman Buell reported on the following, with resolution to follow:

- Speed Radar Signs – received pricing from TAPCO for battery operated and electric speed radar signs. Would like to purchased 8 to 10 units and install on sections of: Artz, Wagner, Tillman and Snell Roads. Possibly use ARPA funds if any leftover. Cost is from \$2400 to \$3600 per unit. Discussion followed with purchase approval to follow.
- Zoning Law – submitted a “draft” revised zoning law for the boards review. Discussed a few additions/changes: battery storage, setbacks and decommissioning. Board will review and bring their comments and changes to the next regular meeting.
- NB Solar Project - spoke with Eric Will of AES Clean Energy, he stated they couldn’t make the project work, but possibly have a new, smaller solar project in Beaver Falls on the Larry Walseman property.
- NBCIA 2 – have eight (8) potential board members and working with an attorney on a new 501c3 program. Will be contacting Attorney Farley to assist with the dissolution of the current NBCIA 501c3. Will keep the board informed.
- Co. Shared Services Plan – county is looking for ideas for “new” shared services programs from towns.

Councilwoman Lyndaker reported on the following:

- DEC, Army Corp. of Engineers and Soil and Water are working on the creation of culvert flow charts.

**RESOLUTION NO. 70 OF 2023
APPROVAL FOR PURCHASE**

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

RESOLVED, to purchase two (2) solar speed radar signs through TAPCO.

**RESOLUTION NO. 71 OF 2023
TOWN CLERK’S MONTHLY REPORT**

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

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

HIGHWAY SUPERINTENDENT

Highway Superintendent Herzig reported on the following, with resolution to follow:

- Bid – would like to put up for bid miscellaneous items: garage doors, doors, windows, rims, fuel pumps, etc. Discussed auctioning off items instead of a bid process as there are numerous items, through Tyler McDonald of Adirondack Asset Auctions, Constableville via his online auction site. Auction approval to follow.
- Paved Deveines Road – cost came in lower than originally quoted. County to put shoulders on soon.
- New Tandem – delivery is looking to be the end of December now.
- NBCIA – shut water off to the concession stand and found that the water heater is leaking.
- Culvert on Buckingham Road washed out and is temporarily repaired. Waiting for more information from the DEC to proceed with replacing it as it is a class 3 trout stream.

**RESOLUTION NO. 72 OF 2023
APPROVAL OF SALE OF MISCELLANEOUS ITEMS VIA AUCTION**

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

RESOLVED, that Highway Superintendent Herzig is hereby authorized to contact Tyler McDonald of Adirondack Asset Auctions for auctioning the miscellaneous items as discussed.

**RESOLUTION NO. 73 OF 2023
JUSTICES MONTHLY REPORTS**

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

RESOLVED, the Justices monthly reports are approved as submitted.

**RESOLUTION NO. 74 OF 2023
DCO MONTHLY REPORT**

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

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

SUPERVISOR

Financing for new tandem has been set up through Community Bank. May need to be updated once closer to the delivery date of the truck. Will keep the board informed.

DOT PHYSICALS

Supervisor Keys spoke with the town accountant, Scott Lawrence and he sees no problem with reimbursing highway employees for the cost incurred for their DOT physical. They would pay up front and submit a voucher with receipt of payment in order to be reimbursed by the Town. Same procedure as the clothing allowance reimbursement. After discussion, the following resolution was presented.

**RESOLUTION NO. 75 OF 2023
DOT PHYSICAL REIMBURSEMENT**

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

RESOLVED, that effective January 1, 2024, full-time highway employees will be reimbursed for the cost incurred for their DOT physical by submitting a voucher along with receipt of payment. To be added to the towns employment and liability guidelines when updated by the Town Board.

REAL PROPERTY TAX EXEMPTIONS

Reviewed the current real property tax exemptions. Assessor Smith recommended they remain the same for 2024. After discussion, the following resolution was presented.

**RESOLUTION NO. 76 OF 2023
REAL PROPERTY TAX EXEMPTIONS FOR 2024**

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

RESOLVED, that the Real Property Tax Exemptions are to remain the same for the 2024 year for the Town of New Bremen.

*Copy of said exemption listing is incorporated at the end of these minutes.

**RESOLUTION NO. 77 OF 2023
IN OPPOSITION TO NEW YORK STATE SENATE BILL S-00139B and ASSEMBLY BILL A-1358B**

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

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Lewis County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of New Bremen is a vital service to our residents and the Lewis County community as a whole; and

WHEREAS, The Justices in Lewis County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, the Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Lewis County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State’s Commission on Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State’s attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;



NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of New Bremen strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

**RESOLUTION NO. 78 OF 2023
SUPERVISOR'S MONTHLY FINANCIAL REPORT**

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

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

**RESOLUTION NO. 79 OF 2023
AUDIT OF CLAIMS**

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

RESOLVED, that the bills contained on Abstract #9 have been reviewed by the Town Board and are authorized for payment in the following amounts. The report of prior to audit payments for insurance, utilities and comptroller fees for justice court was also reviewed and approved.

General	Voucher #104 thru #108	\$2,048.52
Highway T-Wide	Voucher #83 thru #90	\$11,508.11
Highway T-Outside	Voucher #21 thru #29	\$333,642.66
H. Insurance - \$10,269.77	Utilities - \$1,588.20	Comptroller - \$2,834.00

BUDGET

Town Clerk presented copies of the 2024 Tentative Budget to the board. A budget workshop will be held on October 23, 2023 at 6:00 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 9, 2023 at 6:30 p.m. at the Town Municipal Office Building.

With no further business, on a motion of Councilwoman Lyndaker, seconded by Councilman Schantz, the meeting was adjourned at 8:34 p.m. Carried unanimously.

Respectfully Submitted
Elizabeth B. Jones, RMC
Town Clerk/Tax Collector