

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, AUGUST 16, 2006 AT 4:30 P.M.**

The Town Supervisor called the meeting to order at 4:30 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

TOWN BOARD MEMBERS: Councilman Robert A. Payne III
Councilman John C. Waszkiewicz III
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

OTHER TOWN OFFICIALS: Highway Superintendent Roger Cleveland
Deputy Town Clerk I Margaret M. Jones
Town Engineer John Meagher

Thereafter, a quorum was declared present for the transaction of business.

PUBLIC PRESENTATION

Stormwater Problems

Several residents appeared before the Board with a list of damages that had occurred on their various properties located on Slaytonbush Lane, Mallory Road, Christopher Circle, Taber Road, Westwood Lane, South Woods, Oneida Street, Roman Road, Wheatly Circle, Lower Woods Road, Tilden Lane, Sherrill Lane, Oxford/Tibbitts Roads, Beechwood Road, Mohawk/Mallory Road, and Cascade Drive.

Louis & Rose Nagy live at the end of Slaytonbush Lane. They have experienced driveway erosion and damage to their property. This issue has nothing to do with the Town entering on private property. The water comes down Slaytonbush and across their property. Mr. Nagy requested that the town widen the ditch across from his home. This is a simple solution. The Highway Department was very good in their response and fixed the driveway. The major problem to their property is the patio. If another storm happens, then they will experience the same problems.

Robert Giglio was present at the Board meeting held on August 2, 2006 and was wondering if the Town had an answer to his problem. Mr. Giglio was wondering what had been decided. Councilman Payne responded that no decision has been made. The problem is in the back of Mr. Giglio's home and it is Town policy not to go on private property. Mr. Giglio stated that the Town created the problem and he wants it taken care of by the Town. Councilman Reynolds also stated that the Town couldn't go onto private

property; that Mr. Giglio's problem is unique and the Town is looking at how to solve this matter. Mr. Giglio stated that this response does not even help the problem with his property. Councilman Payne stated that the situation was there before Mr. Giglio purchased the property. The Town Board is trying to establish criteria on Stormwater management regarding Mr. Giglio's situation. Councilman Reynolds assured Mr. Giglio that his problem is not on the back burner.

Mary Jo Kelly of Christopher Circle was also present at the last Board meeting. The Town should get involved. This problem has nothing to do with going on to private property. The water from Higby Road comes on to Christopher Circle. What type of pipe is on Higby Road? Is it adequate? Another consideration is how is the water diverted from different parts of the town. The water is still coming onto her property. Development in the Town is not our choice stated Ms. Kelly. Every time a new development is built near our neighborhood, we have water problems. We are suffering the repercussions for the new developments.

Patricia Giordano of Taber Road stated that the drainage ditch in front of her property overflows the pipe and runs across her property. Ms. Giordano is tired of getting water onto her property. The water is taking our front yards. The Town needs to do something to direct water away from our home. During the winter, the driveway receives all the ice and we can't even get up our driveway. There is a crack in our garage and our foundation. We have built up the front yard and have built a retainer wall and still have water in our yard. The entire neighborhood is furious. We need water management to solve the problems. I have videos to show the problem stated Ms. Giordano. Whenever we call the Town no one returns our calls.

Howard Dodge of Westwood Lane stated that the Highway crew did not work in their area at the top of the hill. He requested that a crew come by his home and take a look to see what needs to be done.

A gentleman from the South Woods area stated that he had never had problem until a couple years ago. He lives in a cul de sac, which has improper drainage. The ground is soggy all the time when it rains. Codes have taken a look at the problem and states there is nothing they can do about it. His neighbors' properties are higher than his; therefore he gets all the water. No one is taking responsibility to fix the problem. Someone put the drain in there and the gentleman stated that he would give the Town the right-of-way to go on his property make the necessary repairs. Councilman Waszkiewicz explained that the Town does not do site reviews on single-family homes.

Thomas Roberts on Oneida Street had damage to his cellar and lost his furnace. He has been listening to people complaining about their foundations cracking. The water goes from his mother's house, who lives next door, and then the water goes to his house. In front of his house the pavement has still not been repaired.

Robert Houlton of Slaytonbush Lane stated that there is a tributary behind their home and the water from from Slaytonbush and roads off of Slaytonbush dumps into this

tributary. This resident is looking for someone to fix the problem. Councilman Waszkiewicz asked what happened to the Federal Emergency Management Agency (FEMA) funds. Mr. Houlton stated that FEMA agreed to pay for it. The proposal was for Forty Thousand (\$40,000) Dollars; FEMA was going to pay Thirty Thousand (\$30,000) Dollars and the homeowner would pay Ten Thousand (\$10,000) Dollars; however, the estimates to repair the problem came in at Seventy-Five Thousand (\$75,000) Dollars, which would mean the homeowner would have been responsible for the additional costs of repairs.

Councilman Waszkiewicz told the residents that the Board is trying to work with the Highway Department to establish a criteria that would set up guidelines, which would fairly and equitably repair infrastructure damage. For example, residents in Councilman Woodland's ward would not be happy paying taxes to repair the property of people located in Councilman Waszkiewicz' ward. One fair way to solve the problem would be to set up drainage districts. Councilman Waszkiewicz explained that there had been Bonding to fix drainage problems about twelve (12) years ago. However, that funding is now gone as per Highway Superintendent Cleveland. Supervisor Reed stated that the Board is now looking at the budget for next year with potential to Bond to take care of this issue.

Some residents asked, "What do we do in the meantime." Our assessments are going up and our properties are getting damaged.

Kathleen Kennelty of Roman Road stated that there is an impact on her land from development located above her. The Town needs to put in drainage. When development increases she has more damage. Something has changed the water table in her area. She did not make the choice to develop above her but she is feeling the repercussions from the development. Ms. Kennelty wants that area examined. As per Councilmen Waszkiewicz and Reynolds the Town is looking to expanding the GEIS in that area.

Councilman Waszkiewicz stated that trying to get a meeting of minds is not an easy to do. Financing is very difficult. There were several residents from the Third (3rd) Ward present with their various Stormwater problems.

The Town has a request. into Representative Boehlert asking that FEMA extend the date to make application for damage-related funding to include the storm of the twelfth (12th) and the storm, which occurred later in the month as per Supervisor Reed.

Councilman Reynolds explained when a development was built; the developer had to have a plan as to what would be done regarding Stormwater. The Town is now having our own consultants checking new developer systems.

Supervisor Reed stated that starting on Monday the Town would be using prisoners to help clean up the debris located in the drainage ditches. The Supervisor explained that he was surprised at items he found in the ditches, which people just randomly threw away.

The Supervisor also stated that the Town also would require the assistance of the property owners to help keep the ditches clean of debris.

A gentleman who lives on Christopher Circle stated that he disagrees with Mr. Reed regarding Budget cuts. This gentleman stated that the budget, in fact, has increased. Councilman Waszkiewicz stated that there has to be a consensus of the Board to agree on what has to be done to take care of the problem.

Two residents of Taber Road, Joseph Giordano and Robert Spaziani asked if the Highway Department could redo pitching on their road so they do not have property damage. These residents want their residences located at 85 and 87 Taber Road listed to re-pitch the road.

William Yetman of 4 Wheatly Circle has been dealing with the Town regarding water issues for about fifteen (15) years. Mr. Yetman explained to the Board the expenses he has incurred with different flooding problems he has had. The first storm uncovered a cistern, which shows a lot of water that is blocked. In mid-July this cistern was showed to Highway Superintendent Cleveland. Mr. Yetman is still waiting to hear from the Town officials. How do you get Mr. Cleveland to call back? The Town needs to make sure that the highway employees are working their hours. Mr. Yetman is very upset. Mr. Yetman said there are three (3) catch basins in his area that have not been cleaned.

A gentleman who resides at 30 Lower Woods Road stated that he has a culvert in the back of his house and the debris jumps the culvert and ends up in his yard. The Highway Superintendent told this gentleman that he might need a larger culvert. The Town did take steps to dam the problem. Supervisor Reed stated that the slate just keeps coming down. The property owner stated that also leaves and boulders are coming down from the hill. This gentleman does not understand why the Town had the right of way to go on one person's property but does not have the right of way to go on his property to correct the problem. The homeowner asked the Town to please fix what wasn't fixed the first time.

Denise Collins of 2 Tilden Lane stated that the culvert on Pleasant Street is not taking the water and she gets all the water. She spoke to Councilman Wazkiewicz about the muddy water going into her basement. She has two (2) sump pumps. Ms. Collins stated that they use to have a beautiful basement, had plush carpeting and this is all gone. Denise stated that their in-ground pool water was brown from the storm water. Ms. Collins further stated that nothing has happened in past two (2) years to correct the problem.

James Miller of 42 Sherrill Lane stated that he still has problems. He has too plug his sink and washing machine whenever have rain.

Neal Pritchard at the corner of Oxford/Tibbitts stated that he has gotten water in his cellar the last couple of years. Mr. Pritchard is concerned about what happens when Longworth gets developed. The Town needs to look at developments and to see what developers will be responsible for regarding stormwater. Mr. Pritchard continued by

advising the Board that the Town should also make the developers is responsible for any future damages to property from Stormwater.

Michael Kennedy of Beechwood Road has the same problem. He was wondering what happened to the project that was to take place in his area. Councilman Waszkiewicz stated that one property owner would not give the Town the right-of-way to go onto the property to correct the problem. Mr. Kennedy stated that the Town admitted the problem. Mr. Kennedy doesn't understand why one homeowner will not give the right-of-way to do the project and his neighbor has two hundred (200) sandbags on his property for Stormwater problems. Mr. Kennedy stated that whenever he calls the Town he is told that his name is on the list. Mr. Kennedy wanted to know who has the list and where is he on this list.

A comment from the group is that an attorney should be present. Councilman Payne assured those present that the Town was not taking this matter lightly. Councilman Payne stated that he personally knows what the homeowners are going through. Councilman Payne continued that after he took care of the water problem at his own residence, he went out to the "hot spots" in the Town to see what was happening.

Lyle Dutton who resides at the corner of Mohawk Street and Mallory Road has had the same problem for the past eight (8) years. During this last storm, he had a river running through his back yard. Half of his yard was covered with three (3) feet of water and he has three (3) to four (4) inches of mud in his yard. The Highway Superintendent is very aware of his problem. Mr. Dutton stated that his area does not get any relief. The culverts are not taking care of the water. The problem gets worse and worse each year. Mr. Dutton further stated that he loves New Hartford, but he doesn't like the assessment. Mr. Dutton also thanked the Board for listening to him.

William Stevenson of Sherrill Lane spoke about the land at the end of his street, which has been left to decay. The trees are falling into other trees. He had five (5) feet of water in his yard. The Town and Village are using this undeveloped area as a runoff. Mr. Stevenson requested that the Town take a look at the woods in his area. Mr. Stevenson continued that if the Town is going to develop property, then develop it right.

Another Christopher Circle resident spoke about his neighbor at 9 Christopher Circle, which is located to the Southeast side of his property. This homeowner has a puddle that stays on his property for days. His neighbor's yard looks like a duck pond and the water needs to be diverted. The Town needs to put in proper drainage. The Board needs to come to the consensus on how to correct the problem and then the Town needs to be proactive to prevent these problems from occurring in the future

Kelly Cole of 4 Cascade Drive lives at bottom of the Drive and also has these same problems. Ms. Cole showed pictures of her property to the Board members.

Supervisor Reed stated that these are complex questions and the Town does not have a quick answer. The Town is looking at a GEIS. Councilman Waszkiewicz explained to those present what a GEIS entails.

Supervisor Reed told those present to call the Highway Garage and the Town would have someone pick up their property that needs to be thrown out rugs, furniture, etc.

The Public Presentation ended at 6:00 P.M.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Sidewalk Construction – Bid Opening

The Highway Superintendent stated that the Bid Openings for Sidewalk Construction was held on August 14, 2006 and Edgebrook Construction was the low bidder at Twenty Thousand Four Hundred Eighty Dollars (\$20,480). The Highway Superintendent stated that after speaking with Edgebrook Construction, they would accept Twenty Thousand Dollars (\$20,000) to do the project since that is what the Highway Superintendent had in his Budget for this project. David Reynolds presented the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. OF 2006)

WHEREAS, on August 14, 2006 the Town Board accepted the low bid of and awarded a contract to Edgebrook Construction for Sidewalk Installation in 2006;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to issue a NOTICE TO PROCEED to Edgebrook Construction, 8 Scharbach Drive, Marcy, New York, for the sidewalk installation at a total cost of Twenty Thousand Dollars (\$20,000).

The Town Board then voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Sanger Public Works Garage – Cleaner Position

Upon the recommendation of the Highway Superintendent Roger Cleveland, Councilman Robert Payne presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. OF 2006)

WHEREAS, the Resolution passed by the Town Board on 15 March 2006 approving Candy Currier as the Cleaner for the Sanger Building on an hourly basis has led to compensation issues due to Ms. Currier being a Bargaining Unit employee for her Highway Department position and working under one set of time worked criteria, and the Cleaner position being a non-bargaining unit position and time worked being computed under a different set of criteria, and

WHEREAS, if the compensation for the Cleaner Position for the Sanger Building is changed from an hourly rate to a salaried amount, then the compensation issues no longer exist.

THEREFORE BE IT RESOLVED, that the compensation for the part-time Cleaner Position for the Sanger Building, as being performed by Candy Currier, shall be established at an annual amount of Seven Thousand Nine Hundred Fifty-Six Dollars (\$7,956) for the calendar year 2006, being based on a maximum of eighteen (18) hours per week, and

RESOLVED, that an adjustment shall be made to previous compensation for the weeks already worked by Ms. Currier in the position of Cleaner, part-time, and to make those adjustments as though Ms. Currier had been being compensated in a salaried manner as noted above.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Pump Station Upgrade – Contract 3

Upon the recommendation of the Highway Superintendent, Councilman Woodland presented the following Resolution for adoption; seconded by Supervisor Reed:

(RESOLUTION NO. OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and sign the Pump Station Upgrade – Contract 3 Agreement between the Town of New Hartford and BatCon in the amount of One Hundred Ninety-Nine Thousand Seven Hundred Fifty Dollars (\$199,750).

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Councilman Payne - Aye
Supervisor Reed - Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Pre-Development Agreement & Memorandum of Understanding

Upon recommendation of the Highway Superintendent, Councilman Reynolds introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. OF 2006.)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement and Memorandum of Understanding between the Town of New Hartford and R. Griffith LLC, 8477 Seneca Turnpike, New Hartford, New York wherein said R. Griffith LLC would contribute, as per the conditions of said Pre-Development Agreement, the total sum of Three Thousand Dollars (\$3,000) as same relates to this development within the Route 5 and 5A Generic Environmental Impact Study boundary area.

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Waszkiewicz - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Councilman Payne - Aye
Supervisor Reed - Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Higby Road Water District Agreements – Frank and Kristine Giotto and David DeBlois

Upon the recommendation of the Superintendent of Highway Roger Cleveland, Supervisor Reed presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and sign an Agreement between the Town of New Hartford and Frank and Kristine Giotto of 3823 Mohawk Street, New Hartford, New York and David DeBlois, 9464 Sessions Road, Sauquoit, New York for the value of the water infrastructure previously installed by the Giotto and DeBlois properties and these

infrastructures have been incorporated into the Higby Road Water District whereby the Town of New Hartford on behalf of the Higby Road Water District, does hereby offer a one (1) Equivalent Dwelling Unit (EDU) debt service credit to the Giotto property on Mohawk Street and a one (1) EDU debt service credit to the DeBlois property on Sessions Road.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Proposal Clean Water Study – Western Sector of the Town of New Hartford

Upon the recommendation of the Highway Superintendent Roger Cleveland, Councilman Woodland presented the following Resolution for adoption; seconded by Supervisor Reed:

(RESOLUTION NO. OF 2006)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and sign the Agreements between the Town of New Hartford and Shumaker Consulting Engineering & Land Surveying, 181 Genesee Street, Utica, New York for an Infiltration Inflow Study – Phase I for the western sector of the Town of New Hartford.

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

MATTERS SUBMITTED BY COUNCILMEN & ATTORNEY

COUNCILMAN PAYNE:

Councilman Payne stated that his Agenda items can be presented at the September 6, 2006 Town Board meeting.

Agenda items:

- Highway Committee- Storm Water Criteria
- Communication Committee – Town Web Page’s Assessment Data
- Safety Committee – Update
- Energy Audits and Supply Costs

COUNCILMAN WASZKIEWICZ:

Councilman Waszkiewicz stated that his Agenda items can be presented at the September 6, 2006 Town Board meeting.

Agenda Items:

- Adjustment/Committees
- Legislation to limit height of transmission towers in the Town
- Require bond for road cuts to ensure acceptable level of repair
- Aerial Towers for Transmission – **Proposed Law to Limit Heights in all areas of Town.**

Include the Planning Board, ZBA and Board of Assessment and Review **in the Policy that provides for the Citizens’ Board or Committees responsible for interviewing and recommendation of appointments to the Town Board.**

- Storm Water Management Criteria – **Town Policy**
- Meeting with DOT to **finalize signage update on the Judd Road corridor not confirmed at the time of the Agenda submittal.**
- Confirm timing of the **Councilmen’s and Citizens Budget Review.**
- Website **to include Assessment Roll 2006.**

Polling Site Change – Ward 3 District 4

Upon the recommendation of Town Clerk Gail Wolanin Young, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Waszkiewicz

(RESOLUTION NO. OF 2006)

WHEREAS, a letter has been received from the Village of New Hartford explaining that the renovations to the New Hartford Fire Department will not be completed in time to be used as a polling site for those residents in Ward 3 District 4 for Primary or General Elections;

WHEREAS, Town Clerk Young suggests that for the 2006 Primary Election on September 12th and the 2006 General Election on November 7th the residents of Ward 3 District 4 vote at Butler Memorial Hall in the Community Meeting Room;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby change the polling site for those residents of Ward 3 District 4 to Butler Memorial Hall in the Community Meeting Room for the Primary and General Elections for the 2006 Election year.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Resolution was declared unanimously carried and duly *ADOPTED*.

MATTERS SUBMITTED BY TOWN SUPERVISOR

2007 Budget Meeting

Supervisor Reed stated that there would be a Budget Meeting on Wednesday, August 23, 2006 at 9:30 A.M. with a power point presentation. Also Janice O'Sullivan has gotten all the information updated regarding the computers for the Town of New Hartford.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 6:30 P.M.

Respectfully submitted,

**Margaret M. Jones
Deputy Town Clerk I**