

Town of Manheim Regular Board Meeting April 11, 2022 @ 7:00pm

MEMBERS PRESENT

Supervisor Haughton
Councilman Doerrer
Councilwoman Gressler
Councilman Peter Jaikin
Councilman Snell

OTHERS PRESENT

Dave Keuhnle
Lloyd Hall
Wayne McCabe

Supervisor Haughton called the Meeting to order at 7:08 pm, roll call was taken and the pledge of allegiance recited.

A Motion was made by Councilman Doerrer and was seconded by Councilman Snell to approve the minutes of the March 14, 2022 board meeting. Ayes All

A Motion was made by Councilman Jaikin and was seconded by Councilwoman Gressler to approve Abstract #4 of 2022 as audited. Ayes All

A Motion was made by Councilman Doerrer and was seconded by Councilman Jaikin to approve Payroll #6 & #7 of 2022 as audited. Ayes All

A Motion was made by Councilman Snell and seconded by Councilman Doerrer to approve the Supervisors Report for February 2022. Ayes All

A Motion was made by Councilman Jaikin and was seconded by Councilman Snell to approve the Clerk report for March 2022. Ayes All

Privilege of the Floor Wayne McCabe:

Supervisor Haughton said that he issued a stop work order on property located at Keyser Lake, owned by David Brunetti because Wayne McCabe came to Supervisor Haughton with some concerns and to allow the Town Code Enforcement Officer, David Keuhnle time to review the situation.

Wayne McCabe:

- Has a problem with Zoning- The lots that were sold by Hayes are not meant to be year-round camps.
- Mr. Brunetti purchased the camp from Freda Eaker in July of 2021 and demoed the house that was on the property between July and October without a permit.
- Mr. Brunetti is replacing the trailer with a year-round residence. He wants to develop the property and put a chalet in.
- He indicates that it has a 1000-gallon septic tank but Mr. McCabe knows from talking with the previous owner that it is a leach field.
- Mr. Brunetti is putting up a three-story house which has a bigger footprint than the previous trailer that was on the property.
- Mr. McCabe also has concerns about the vacant lots that are at the lake. He feels that they should be designated as campsites.
- Mr. McCabe would like to have page 2 of the Town of Manheim Zoning Ordinance put into the record specifically the following section: Basement: Story partly underground. A basement shall be counted as a story if vertical distance between basement and ceiling and average grade level of adjoining ground is more than six feet.
- Mr. McCabe would also like page 6- Section 204 added to the minutes. Section 204 Certificate of Occupancy: No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy has been issued by the Zoning Enforcement Officer in accordance with provisions of this ordinance.
- Supervisor Haughton: We will do some research and talk to the Town Attorney and get back to Wayne McCabe.
- Dave Keuhnle, Code Enforcement Officer: A Stop Work Order was issued on the property so that I was able to review everything.
- On April 11, 2022 Dave Keuhnle rescinded the Stop Work Order because legally everything is in compliance.
- The foot print of the property is actually smaller than what the originally trailer was.
- It is actually set back farther away from the lake.
- As far as the septic goes Mr. Brunetti can tap into the pre-existing septic. If there is a question, we can do a dye test on it.
- Supervisor Haughton: Will call the Town Attorney and ask his opinion.
- As far as the small lots that Mr. McCabe wants to be designated as campsites, they are grandfathered in under the Town's Zoning because they were formed prior to the formation of the Town's Zoning Ordinance.

Superintendent's Report

Lloyd Hall, Superintendent of Highways gave the Board Members a detailed report, which is on file in the Town Clerk's Office. Additional information that was not included in the report is as follows:

- They have been working on Timmerman Road. Lloyd Hall needs to call the CHIPS program and see if he can do the culvert using the CHIPS money.

- Heller Road is due this year under CHIPS
The Beaver Brook Dam never got above the riser over the past weekend with all the rain.
- The Loader is getting worse. Lloyd Hall just got another quote on a new loader and the price keeps increasing. The current price for a new loader is \$280,000.00
- Road flooded over the past weekend again.
- Lloyd Hall is looking for guardrails and The Town of Warren may have some that he can purchase.

Old Business

The Town received the fourth snowplow payment in the amount of \$48,373.17.

The Following Resolution was made:

**Town of Manheim
Town Board**

RESOLUTION NO. 23 of 2022

Dated: April 11, 2022

RESOLUTION

MOTION made by Marie Gressler, seconded by Peter Jaikin

WHEREAS, on February 7, 2022, the Village of Dolgeville (“Village”) and the Town of Manheim (“Town”) received a petition from the Herkimer County IDA (“Petition”) for the proposed annexation of an approximately 30.647-acre portion of the Town’s territory (“Territory”) lying within the industrial zoned district of the Town along Barker Road, pursuant to General Municipal Law (GML) Article 17 § 703; and,

WHEREAS, on February 19, 2022, pursuant to GML Article 17 § 704, the Village and Town published separate notices for a joint public hearing regarding the Petition for annexation in The Times Telegram and both posted Notices on the Village and Town websites; and,

WHEREAS, on March 14, 2022, pursuant to GML Article 17 § 705, the Village and the Town held a joint public hearing to receive comments and concerns regarding the validity of the Petition and the over-all public interest regarding the proposed annexation; and,

WHEREAS, there were no comments made at the public hearing opposing the validity of the Petition or addressing whether the proposed annexation was in the over-all public interest or opposing the proposed annexation; and,

WHEREAS, the Town Board has discussed the benefits and detriments to the Village, the Territory proposed to be annexed and the Town, including the impact on municipal services such as police and fire protection, health regulations, sewer and water service, public utilities, and public education; and,

WHEREAS, the Town Board has determined that the Petition to initiate the annexation complies with the provisions of General Municipal Law Article 17 and that it is in the over-all public interest to approve the annexation of the Territory.

Now, Therefore, Be It

RESOLVED, that the Town Board finds that the Petition for the proposed annexation of the Territory by the Village complies with the provisions of General Municipal Law Article 17; and,

Be it further RESOLVED, that the Petition for the proposed annexation of the Territory by the Village complies with the provisions of General Municipal Law Article 17; and,

Be it further RESOLVED, that the Town Board finds that, after consideration of the benefits and detriments to the Town, the Territory proposed to be annexed, and the Village, approval of the proposed annexation of the Territory by the Village is in the over-all public interest.

Roll Call Vote

John Haughton, Supervisor	Aye <u>X</u> Nay ___
Frederick Doerr, Deputy Supervisor	Aye <u>X</u> Nay ___
Peter Jaikin, Councilman	Aye <u>X</u> Nay ___
Kevin Snell, Councilman	Aye <u>X</u> Nay ___
Marie Gressler, Councilperson	Aye <u>X</u> Nay ___

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 11th day of April 2022.

Carrie Rockwell, Town Clerk

The Following Order for Annexation was signed:

**ORDER OF THE TOWN OF MANHEIM TOWN BOARD
PURSUANT TO GENERAL MUNICIPAL LAW ARTICLE 17**

IN THE MATTER OF THE PETITION OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR THE ANNEXATION BY THE VILLAGE OF DOLGEVILLE OF ADJOINING TERRITORY OF THE TOWN OF MANHEIM, HERKIMER COUNTY NEW YORK

WHEREAS, on February 7, 2022, the Village of Dolgeville (“Village”) and the Town of Manheim (“Town”) received a petition from the Herkimer County IDA (“Petition”) for the proposed annexation of an approximately 30.0647-acre portion of the Town’s territory (“Territory”) lying within the industrial zoned district of the Town along Barker Road, pursuant to General Municipal Law (GML) Article 17 § 703; and,

WHEREAS, on February 19, 2022, pursuant to GML Article 17 § 704, the Village and Town published separate notices for a joint public hearing regarding the Petition for annexation in The Times Telegram and both posted Notices on the Village and Town websites; and,

WHEREAS, on March 14, 2022, pursuant to GML Article 17 § 705, the Village and the Town held a joint public hearing to receive comments and concerns regarding the validity of the Petition and the over-all public interest regarding the proposed annexation; and,

WHEREAS, the Town Board adopted Resolution No. 23 of 2022 which approved the proposed annexation of the Territory by the Village as being in the overall public interest of the Town, the Territory proposed to be annexed, and the Village.

NOW, THEREFORE, in accordance with the power and discretion vested in the Town Board by General Municipal Law Article 17, section 711 (2) (b), and after due deliberation, it is hereby

ORDERED, that the Petition for the annexation by the Village of the adjoining Territory of the Town described in the Petition be, and hereby is, approved.

It is further ORDERED, that the Town Clerk shall file a copy of this Order with exhibits in the Manheim Town Clerk’s office and with the office of the Village Clerk of the Village of Dolgeville.

It is further ORDERED, that the Town Clerk shall mail a copy of this Order with exhibits to the Petitioner, the Herkimer County Industrial Development Agency.

Attachments:

1. Copy of Petition with Exhibits.
2. Copy of Public Hearing Notice.
3. Copy of Transcript of Hearing with Exhibits.
4. Copy of Town Board Resolution No. 23 of 2022.

FREDERICK DOERRER
Deputy Supervisor

JOHN HAUGHTON
Supervisor

KEVIN SNELL
Councilman

PETER JAIKIN
Councilman

MARIE GRESSLER
Councilperson

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 11th day of April 2022.

CARRIE ROCKWELL
Town Clerk

April 11, 2022
Town of Manheim

New Business

A Motion was made by Councilman Snell and seconded by Councilman Doerrler to accept the Justice Audit performed by Supervisor Haughton. Ayes All

A Motion was made by Councilman Jaikin and seconded by Councilman Doerrler to have Supervisor Haughton sign the Retainer Agreement with Attorney Ayers regarding the National Grid project. Ayes All

A Motion was made by Councilwoman Gressler and seconded by Councilman Jaikin to have Supervisor Haughton sign the Escrow Agreement between the Town of Manheim and National Grid. Ayes All

A Motion was made by Councilman Jaikin and seconded by Councilman Doerrler to hire Barton and Logudice to update our Emergency Action plan. Ayes All

Correspondence:

Public Comment Period

Motion to adjourn was made by Councilman Doerrer and seconded by Councilman Snell at 8:09 p.m. Ayes All

Respectfully Submitted,

Carrie Rockwell
Town Clerk