

Town of Manheim Regular Board Meeting June 13, 2022 @ 7:00pm

MEMBERS PRESENT

Supervisor Haughton
Councilman Doerrer
Councilwoman Gressler
Councilman Jaikin
Councilman Snell

OTHERS PRESENT

Colin O'Conner
Genevieve Trigg, Esq.
Kenneth Ayers, Esq.
Jordan Hitch, Esq.
Lloyd Hall
Rodney Swartz
Stephen Duessler

Supervisor Haughton called the Meeting to order at 7:02 pm, roll call was taken and the pledge of allegiance recited.

A Motion was made by Councilman Jaikin and seconded by Councilman Snell to enter into Executive Session at 7:05 pm

A Motion was made by Councilman Jaikin and seconded by Councilman Doerrer to exit Executive Session at 7:13 pm.

A Motion was made by Councilman Doerrer and was seconded by Councilman Jaikin to approve the minutes of the May 9, 2022 board meeting. Ayes All

A Motion was made by Councilwoman Gressler and seconded by Councilman Snell to approve the May 23, 2022 Public Hearing Minutes. Ayes All

A Motion was made by Councilman Doerrer and was seconded by Councilman Snell to approve Abstract #6 of 2022 as audited. Ayes All

A Motion was made by Councilman Jaikin and was seconded by Councilwoman Gressler to approve Payroll #10& #11 of 2022 as audited. Ayes All

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

A Motion was made by Councilman Doerrer and was seconded by Councilwoman Gressler to approve the Clerk report for May 2022. Ayes All

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:

- Fuel is 4.51 per gallon
- Continuing grading along sides
- Minor Road is due next year under the CIPS program.
- Timmerman Road gained about 3-5 feet of shoulder from putting all the gravel in.
- River Road- we are going to have to replace the barrier because people are moving the barrier and going in and stealing the switches from the CSX railroad.

Old Business

SALTSMAN ROAD

The following Resolution was made and seconded.

Town of Manheim

RESOLUTION NO. 24 of 2022

Dated: June 13, 2022

**RESOLUTION CONSENTING TO DISCONTINUANCE
OF PORTIONS OF TOWN HIGHWAY**

MOTION made by Marie Gressler, seconded by Peter Jaikin

WHEREAS, we the undersigned members of the Town Board of the Town of Manheim, Herkimer County, New York, having read the Application of **CB Farmland, LLC and Frederick Hess and Dona Hess**, asking for the discontinuance of portions of a highway in the Town of Manheim as described in said application, and it appearing that a portion of Saltsman Road sought to be discontinued has been damaged and rendered dangerous and impassable by repeated flooding and washouts, and it appearing that the southern end of such highway sought to be discontinued is no longer necessary due to the relocation of State Route 5 and the proposed discontinuance of other portions of Saltsman Road, and it appearing said highway has not been improved or repaired for some time, and it further appearing that there are no other persons or corporations, other than these applicants, owning any premises through which the portions of said highway sought to be discontinued passes, or to which those portion of the highway are adjacent, and it further appearing that the portions of said highway sought to be discontinued have become unnecessary and useless.

Now Therefore Be It RESOLVED, after due deliberation, we, the undersigned members of the Town Board of the Town of Manheim, pursuant to Section 171 (2) of the Highway Law of the State of New York, do hereby consent in writing that the said portions of the highway sought to be discontinued and described in the Application, be discontinued.

Roll Call Vote:

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

IN WITNESS WHEREOF, I have affixed my name as Clerk/Secretary on this 13th day of June 2022.

Carrie Rockwell, Clerk/Secretary

The following Order of Town Superintendent of Highways Discontinuing Portions of a Town Highway was signed.

ORDER OF TOWN SUPERINTENDENT OF HIGHWAYS
DISCONTINUING PORTIONS OF A TOWN HIGHWAY

In the Matter of the Discontinuance
of portions of Saltsman Road as
a Town Highway within the Town of
Manheim, County of Herkimer,
State of New York, pursuant to
Highway Law Section 171 (2).

WHEREAS, by application dated May 3, 2022, (the "Application"), CB Farmland, LLC and Frederick Hess and Dona Hess (the "Applicants"), have petitioned for the discontinuance of portions of a town highway in the Town of Manheim as described in the Application (**Exhibit A**); and

WHEREAS, the Applicants have provided Written Consent to the discontinuance of the portions of Saltsman Road described in the Application and a Release from all damages executed by the Applicants, the owners of all the lands affected thereby, and of all the lands through which the portions of the Saltsman Road sought to be discontinued traverses over, or to which they are adjacent (**Exhibit B**); and,

WHEREAS, the portion of Saltsman Road described in the Application as Parcel 1 and Parcel 2 has been damaged and rendered dangerous and impassable by repeated flooding and washouts; and,

WHEREAS, State Route 5 has been relocated and a new bridge has been constructed on State Route 5 across the East Canada Creek; and,

WHEREAS, the portion of Saltsman Road described as Parcel 4 has not been repaired or improved for some time and is no longer necessary for public use due to the relocation of Route 5 and the proposed discontinuance of Parcel 1 and Parcel 2 described above.

WHEREAS, the portions of Saltsman Road to be discontinued have been rendered useless for use as a town highway; and,

WHEREAS, no residences are located on or adjacent to the portion of Saltsman Road to be discontinued described as Parcel 1 and Parcel 2 which has been damaged and rendered dangerous and impassable by repeated flooding and washouts; and,

WHEREAS, the only residence located on the portion of Saltsman Road to be discontinued described as Parcel 4 has suitable access to the public highway known as the Old State Road; and,

WHEREAS, discontinuance of the portions of Saltsman Road described in the Application will not affect the public's use of the portion of Saltsman Road which is not proposed to be discontinued; and,

WHEREAS, it further appears that the Applicants are the only persons, corporations or entities owning any land adjoining or adjacent to the portions of Saltsman Road sought to be discontinued; and,

WHEREAS, no claim for damages has been made; and

WHEREAS, a majority of the members of the Town Board of the said Town of Manheim have by Resolution provided a written consent to the application to discontinue the portions of Saltsman Road described in the Application.

NOW, after due deliberation of the matter, it is hereby determined that the portions of Saltsman Road sought to be discontinued has become useless and should be discontinued.

It Is Hereby ORDERED, that the portions of Saltsman Road described in the Application, be, and the same hereby are, discontinued.

Dated: _____
Town of Manheim, New York

Lloyd Hall
Superintendent of Highways of the
Town of Manheim, New York

STATE OF NEW YORK

COUNTY OF HERKIMER _____

) ss.:
)

On the 13th day of June, in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Lloyd Hall, as Superintendent of Highways of the Town of Manheim, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to be that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Notary Public

CONTRACT WITH VILLAGE OF DOLGEVILLE

The Village of Dolgeville signed the contract allowing a Police Officer to be present at the Town of Manheim during Court nights. A copy of the signed contract is on file with the Town Clerk.

New Business

Mortgage Tax received in the amount of \$15,276.79. Total budgeted \$23,202.00.

Correspondence:

Public Comment Period

Genevieve Trigg, Esq. with Barclay and Damon. Will email attorney Ayers with the name of the Engineer that they would like to work with Jason Preisner from Lamont Engineering. Would like the Town of Manheim to go on record that the Town of Manheim is going to maintain the portion of Saltsman Road that is not going to be discontinued as a year-round road.

Motion to adjourn was made by Councilman Doerrer and seconded by Councilman Snell at 8:08 p.m. Ayes All

Respectfully Submitted,

Carrie Rockwell
Town Clerk