

SPECIAL MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK  
HELD AT 8635 CLINTON STREET, NEW HARTFORD, NY ON  
WEDNESDAY, JULY 3, 2019, AT 5:30 P.M.

Town Supervisor Miscione called the meeting to order at 5:30 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 Official and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa  
Councilman Richard M. Lenart  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Supervisor Anthony Trevisani  
Highway/Sewer Superintendent Richard C. Sherman  
Highway Department Foreman Chris Moran  
Human Resource Department Barbara Schwenzfeier  
Town Attorney Herbert J. Cully – 5:36 P.M. joined the meeting  
Town Clerk Gail Wolanin Young  
Deputy Town Clerk II Allison Adams

Thereafter, a quorum was declared present for the transaction of business. The purpose of the Special Town Board meeting was to discuss stormwater issues. The following residents were present, some of whom explained their issues:

- Ralph and Carol Youngren, 33 Christopher Circle
- Vin Nesci, 8 Imperial Drive
- Marty Maio, 4 Lower Woods Road North
- Judy Virkler, 239 Oxford Road
- Anthony and Brenda Mitchell, 3963 Oneida Street
- Mike and Wendy Cuda, 8 Sherwood Road
- Sue O'Donnell, 109 Oxford Road
- Dana Simmons, 4 Cascade Drive
- Nick Kattato, 9 Christopher Circle
- Judy Jerome, 16 Benton Circle
- Jim Schiavetta, 144 Oxford Road

Comments from people having problems:

Al Roberts of Roberts Construction, whose office is located at 115 Genesee Street in the Village of New Hartford, and owns several other properties in the Village, stated that storm water comes from upper Jordan Road, Compton Road and Gilbert Road, down Paris Road onto his village properties; the storm water then dumps into a 36-inch pipe and manhole that runs under Dr. Krause's property, flooding his

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property and that of his mother-in-law. This problem has existed for about 30 years and was once manageable, but is no longer. He's willing to work with the Town on a solution. Currently, there is no easement. Councilman Reynolds agreed with Mr. Roberts that the Town needs to do something before the water flows down from the Gilbert Road area. A retention pond would include the area of Foxcroft, Hubbarton, Gilbert, Sherwood, Wildwood, Partridge, Tanglewood, Wedgewood, Pippin Wood, Paris Road, Wayside, Jordan, Genesee, Wilbur, Woodberry, Sherrill Lane, Mallard Brook to Oxford Road. Councilman Reynolds noted that the Town has since acquired an easement through the diligence of Highway/Sewer Superintendent Richard Sherman and Oneida County Legislators Mary Pratt and James D'Onofrio, both of whom were present. A \$200,000 grant has been secured. Engineers Barton and Laguidice want to do some borings or test holes to check the water table and perform some survey work. The Town's Highway Department will provide in-kind services.

(Unidentified woman); water is backing up and going down her side yard. She's getting more water from across the street, mentioned Higby Road and new construction up the hill ....water coming from everywhere with no place to go. Pipe is not big enough to handle the water. An all-year round problem.

Nick Kattato, 9 Christopher Circle; attested to storm water with water flowing down....it's like a river. Councilman Messa and County Legislator D'Onofrio exchanged suggestions to help alleviate the problem.

Al Roberts – discussion retention/detention ponds. He has provided for a retention pond underneath the driveway of a home he is constructing.

Town Attorney Cully: The Town's Subdivision regulations require the developer to put up funds (Bond) in the event it doesn't work, then the Town can tell the developer "go back and fix it."

Al Roberts - Each house should manage its own water. Most Towns do; we don't. For commercial development, they must manage their own water (detention pond).

David Maier, 9293 Mallory Road; has experienced water problems since 1993; get engineering and work with the New York State Department of Conservation, Sauquoit Creek and the trout season. He would like the Town to handle the water coming off the hills of Session Road, Mallory Road and Chapman Road, that flow into his backyard....or at least slow down the water flow.

(Unidentified man): asked about status of the County easement on his property. (Bradley Road to Lower Woods Road). Difficult to hear with a woman talking to Highway Department Forman Chris Moran while man was trying to speak.

Judy Virkler, 239 Oxford Road): Can't have her 4-year old grandchild over to play, must lock doors because she's concerned for his safety .... That he might fall through an open culvert and down a ravine. Someone on Imperial Drive installed a large and not a new pipe. Who? She was present with her daughter and son-in-law, James and Theresa Davis.

*At this point there were multiple conversations going on simultaneously and the Town Supervisor asked that people who wish to speak, do so and provide their address.*

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Anthony Mitchell: owner of a plaza at 3963 Oneida Street in Washington Mills, that was flooded on June 20, 2019. He said the pipe under the road is undersized across the street and an 8-inch gas line was exposed, flooding the store....the water coming down the hill (Chapman)....washing out the black top driveway/parking. The ditch needs to be dredged and National Grid will not move their gas line unless the Town pays the cost to do so. He also addressed issues with the water flowing down from the Glencrest Boulevard neighborhood over Oneida Street.

Marty Maio): water comes down , overflows and fills his window wells and basement....happened four (4) times. Something in his front yard needs to be cleaned out; he has sand bags to stop the flood. It turns his property into a river and it's like a glacier during the winter.

Dana Simmons, 4 Cascade Drive: She relocated back home and as had the same problem two (2) years ago....the bridge.....essentially everything from Valley View Road dumps into her yard and home. Supervisor Miscione suggested looking into FEMA assistance.

Mike Cuda: water is creeping upon his garage. The Highway Department was going to inspect and fix it. The focus isn't doing a bandaid .... They want to have it fixed the right way.

Judy Jerome, 16 Benton Circle: used to have flooding, put in some type of drain. She came tonight to listen because she's on the CSC (Climate Smart Committee). She believes with climate change, this isn't going to get better, it is only going to get worse. She thinks some type of vision for climate change in the future, "grand plan" water maintenance, flooding , etc. We should come up with solutions instead of saying there's nothing we can do, think longer term; we are all dealing with the same problem.

Jim Schiavetta: a ravine comes down between his house and his neighbors. He has a sump pump with an alarm and still has to leave work and run home to pump out the water. The water is eating away at Oxford Road, a county road) making the ditch deeper; and if the mailman gets too close to the edge, could roll into the ditch. The water flows down into the Oxford Towne development. He said the area is six (6) times wider than when he moved there.

Oneida County Legislator James D'Onofio suggested putting a camera into the culvert to determine if the culvert under Oxford Road is plugged and in need of cleaning, and where the water flows.

**The public comment period ended at 7:20 P.M**

Town Attorney Cully had reviewed a Flood Mitigation Grant Agreement with County agencies and presented same for adoption by the Town Board; thereafter, Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Lenart:

**(RESOLUTION NO. 217 OF 2019)**

**RESOLVED**, that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute a Flood Mitigation Grant Agreement between the County of Oneida, The Oneida County Soil and Water Conservation District, and the Town of New Hartford, in the amount of \$200,000.00.

Upon roll call, the Board voted as follows:

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Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Parks – Outdoor batting cage

Supervisor Miscione solicited the following quotes for an outdoor batting cage which he budgeted in 2018 for fiscal year 2019:

- Beacon Athletics - \$ 7,895.00
- On Deck Sports - \$10,395.00
- Kodiak Sports - \$10,499.00.

Discussion ensued about safety measures for the little league, baseball participants, insurance coverage, screen pitch protector, and the need to erect warning signs. Thereafter, Councilman Reynolds moved the adoption of the following Resolution; seconded by Councilman Woodland:

**(RESOLUTION NO. 218 OF 2019)**

**RESOLVED** that the Town Board does hereby accept the low quote submitted in the amount of \$7,895 from Beacon Athletics for an outdoor batting cage, and does further authorize the Town Supervisor to proceed with purchasing said equipment .

A roll call vote was held as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

Proposed legislation – Smoking/Vaping

At the request of a Town Board member, the Town Attorney prepared legislation to update the Town's smoking policy and copies had been distributed to Board members. Councilman Reynolds questioned that the prohibition of smoking was not uniform; while mentions no smoking in parks, it does not mention the Recreation Center. No action was taken; the Town Board will review the proposal and decide in the future whether to proceed with a Local Law.

New York State Power Authority – Ice Chiller



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**RESOLVED** that the New Hartford Town Board does hereby appoint Jayden Henry as temporary, seasonal Laborer in the Highway Department, at the hourly rate of \$10.00, payable bi-weekly, effective immediately.

The Supervisor polled the Board members who voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting adjourned at 8:21 P.M.

Respectfully submitted,

Gail Wolanin Young  
Town Clerk