

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE COMMUNITY CENTER BUILDING,
KELLOGG ROAD, IN SAID TOWN, ON WEDNESDAY,
FEBRUARY 6, 2002 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and Boy Scout Troop # 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 Donald C. Backman
Councilman John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Dispatch Supervisor Jeffrey Madden
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Sarah A. Long

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

MINUTES APPROVAL

After reviewing minutes received, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 66 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held December 19, 2001 and does further waive the reading of the same.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 2

Action on the January 16, 2002 Town Board minutes was deferred until the February 20, 2002 meeting.

PUBLIC PRESENTATION/COMMENT:

CURBSIDE COLLECTION POLICY

Linda Frisillo, 2 Beechwood Road, New Hartford had recently read an Observer Dispatch news article about the Town’s annual curbside collection (trash) program and she inquired why the Highway Department doesn’t want to pick up appliances. The Town Supervisor explained that this matter is on the agenda and will be discussed later if she’s willing to stay. He clarified that the Town has experienced an influx of items from family and friends living outside the Town of New Hartford and the Town is attempting to eliminate, for example, two (2) to three (3) water heaters at a single-family residence.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Part-time Employee Appointments

Upon recommendation of Director of Senior Services M. Eileen Spellman, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

(RESOLUTION NO. 67 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint Annette Dempsey as a Part-time Food Service Helper at the New Hartford Adult Dining & Activity Center effective Thursday, February 7, 2002 at an hourly wage of Seven Dollars and Fifty Cents (\$7.50), payable bi-weekly; the Oneida County Personnel Department has approved Ms. Dempsey’s employment application; and be it

FURTHER RESOLVED that said Town Board does hereby appoint Lisa Shaffer and Diane Abrial as temporary, substitute Part-time Food Service Helpers effective Thursday, February 7, 2002, contingent upon approval of their employment applications by the Oneida County Personnel Department. Their hourly wage is hereby established at Seven Dollars and Fifty Cents (\$7.50), payable bi-weekly.

The Town Board voted upon roll call, as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye

REGULAR TOWN BOARD MEETING
February 6, 2002
Page 3

Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

HIGHWAY SUPERINTENDENT:

Advisory Committee on Public Works and Sewers (Standing Committee)-
Appointments

Upon recommendation of the Highway Superintendent, Councilman Backman offered the following Resolution for adoption and Councilman Butler seconded same:

(RESOLUTION NO. 68 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby re-appoint John Storey and Kenneth Lowell as Members of the Advisory Committee on Public Works and Sewers for a three (3) year term each, retroactive to January 1, 2002 and ending December 31, 2004.

The Supervisor polled the Board members who voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Thereafter, Councilman Woodland introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 69 OF 2002)

WHEREAS, the term of Virginia Cecilia as a Member of the Advisory Committee on Public Works had terminated on December 31, 2001 and a vacancy exists; be it

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Robert Spriggs as a Member of the Advisory Committee on Public Works and Sewers, for a three (3) year term, effective February 6, 2002 and terminating December 31, 2004.

A roll call vote ensued:

REGULAR TOWN BOARD MEETING
February 6, 2002
Page 4

Councilman Waszkiewicz - Aye
Councilman Woodland - Aye
Councilman Butler - Aye
Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Town Supervisor declared the Resolution unanimously carried and duly adopted.

Jubilee Estates Drainage District – Schedule Public Hearing

The Town having received a Petition in December 2001 from the Jubilee Estates developers for creation of a drainage district and the Petition having been reviewed by the Engineering Department for accuracy and sufficiency, the following Order was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

(ORDER NO. 1 OF 2002)

In the Matter *
*
of *
*
The Application of **JUBILEE ESTATES LLC.** to *
Establish the **JUBILEE ESTATES DRAINAGE** *
DISTRICT *

WHEREAS, a written petition dated November 29, 2001 in due form has been presented to and filed with the Town Board of the Town of New Hartford, Oneida County, New York, for the establishment of a drainage district in said Town to be bounded and described as follows:

All that piece or parcel of land situate lying and being within the Town of New Hartford, County of Oneida, and State of New York, designated as parcel 1 on a map prepared by D.W. Hannig, L.S., PC, dated 9/14/88, and being more particularly described as follows:

1. Beginning at a point lying on the westerly right-of-way line of Oxford Road, County Road 26A. Said point being also the northeasterly corner of the subject parcel and the southeasterly corner of the lands of Donald and Bonnie Ehre, now or formerly;
2. Thence, S 00 –10’ –08” W, along the westerly right-of-way line of Oxford Road, a distance of 409.20 feet, more or less, to a point;

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 5

3. Thence, S 89 –49' –52" E, along the westerly right-of-way line of Oxford Road, a distance of 7.00 feet, more or less, to a point;
4. Thence, S 00 –10' –08" W, along the westerly right-of-way line of Oxford Road, a distance of 132.00 feet, more or less, to a point;
5. Thence, N 89 – 49' –52" W, along the westerly right-of-way line of Oxford Road, a distance of 7.00 feet, more or less, to a point;
6. Thence, S 00 –10' –08" W, along the westerly right-of-way line of Oxford Road, a distance of 305.00 feet, more or less, to a point;
7. Thence, S 38 –02' –38" W, along the westerly right-of-way line of Oxford Road, a distance of 49.25 feet, more or less, to a point, said point lying also on the northerly right-of-way line of Tibbitts Road, County Road 15;
8. Thence, S 89 –44' –13" W, along the northerly right-of-way line of Tibbitts Road, a distance of 438.39 feet, more or less, to a point;
9. Thence, S 88 –42' –37" W, along the northerly right-of-way line of Tibbitts Road, a distance of 2071.45 feet, more or less, to a point, said point being also the southwesterly corner of said parcel 1;
10. Thence, N 00 –57' –52" E, a distance of 865.81 feet, more or less, to a point, said point being also the northwesterly corner of said parcel 1;
11. Thence, S 89 –25' –34" E, a distance of 2527.71 feet, more or less, to the point or place of beginning.

Containing 51.22 acres of land, more or less, and being subject to all easements or covenants of record.

WHEREAS, The improvements proposed consist of the installation of storm drainage ditches, catch basins, and related facilities within the proposed area to serve the said district; and

WHEREAS, the facilities proposed to be constructed in the said district as shown on the map and plan accompanying the petition are to be constructed at the sole expense of the petitioner; it is hereby

ORDERED that a meeting of the Town Board of the Town of New Hartford shall be held at the Kellogg Road Community Center Building in the Town of New Hartford,

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 6

Oneida County, New York, on the 6th day of March, 2002 at 8:00 o'clock in the evening of that day to consider the said petition and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of said Town Board with relation thereto as may be required by law or proper in the premises; and it is further

ORDERED that a copy of this order certified by the Town Clerk be published and posted as provided by law; and it is further

ORDERED that this order be entered in the minutes of the proceedings of the Board.

The Supervisor requested a vote on roll call that resulted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Town Supervisor declared the Order unanimously carried and duly adopted.

Oneida County Road Striping Agreement (tabled)

In response to the Highway Superintendent's Memo on the Oneida County Road Striping Agreement, Councilman Woodland suggested that a road be added to list. The Highway Superintendent suggested the following be inserted in the County Agreement:

"The Town and the County jointly understand that the ability to stripe roads is dependent on the occurrence of weather and other ambient air conditions, however, the Town believes that due to the volume of traffic on certain roads and the traffic patterns at certain intersections that those roads and those intersections should be striped at the earliest possible time in the Spring, and if necessitated due to wear and tear, and agreed on between the County and the Town, striped again prior to the onset of winter. The County and the Town jointly agree that the Kellogg Road/Oneida Street/Chapman Road intersection, the Jordan Road intersection at Genesee Street and New Hartford Street shall be striped no later than June 1, 2002, weather permitting, and evaluated for re-striping prior to the cessation of striping in the Fall, during the term of this Agreement."

After Board discussion, it was their consensus to table the matter until certain questions could be discussed with Vincent J. Rossi, Jr., Attorney for the Town.

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 7

Competitive Bid – Leaf Machines

The Highway Superintendent stated that moneys had been placed in the 2001 Bond Issue for leaf vacuum machines but the machines were not purchased and he requested authorization to receive bids now for this equipment. Thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

(RESOLUTION NO. 70 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford shall receive sealed bids for the purchase of leaf vacuum machines, pursuant to Town specifications, with all bids to be received by the Town Clerk's Office not later than 10:45 A.M. on Friday, March 1, 2002 and then publicly opened and read aloud at 11:00 A.M. on said date and in said Office in Butler Memorial Hall, New Hartford, NY; and be it

FURTHER RESOLVED that said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement – Invitation to Bid in The Observer Dispatch.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Acquisition of Hoist and Lift

The Highway Superintendent further stated that monies had been included in the 2001 Bond Issue for the acquisition of a truck-mounted hoist and a hydraulic transmission lift, the costs of which would fall below the competitive bid mandate, and he requested authority to purchase said equipment. The following Resolution was thereafter introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 71 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Highway Superintendent to purchase one (1) truck-mounted hoist and one (1) hydraulic transmission lift, with the cost of same to be borne through an

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 8

appropriation in the 2001 Bond Issue; it is understood that the cost of each item of equipment is below the state-mandated competitive bid price.

The Supervisor polled the Board members who voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly adopted

Curbside Collection Policy

Highway Superintendent Roger Cleveland stated that over the past several years, the Curbside (Trash) Collection Program has been successful and that residents have been appreciative of the service. At the same time, the Highway Superintendent and staff have seen some people who have taken advantage of the service; and he cited instances of multiples of the same major appliance at single-family homes, requests from residents to haul away whole buildings, vehicles and entire roofs . Superintendent Cleveland emphasized this is not, nor was it the original intent of the program and it's unfair to other Town residents. The Program goal is to pick up miscellaneous items and, in the next several years, it is the Highway Superintendent's goal to perform the entire curbside collection within a two-week time frame so that Highway employees can get back to maintaining roads. Currently, the trash pick-up involves five (5) to six (6) weeks. In the case of residence/business building, if items are clearly business-related, the Highway Department will refuse to pick up the items. On behalf of the Advisory Committee on Public Works and Sewers, the Highway Superintendent previously submitted a proposed policy on curbside collection, limiting the numbers and types of items to be collected, in an effort to reduce the labor time and expense associated with this program. Attorney for the Town, Vincent J. Rossi, Jr., should review any policy resolution by the Town prior to its finalization.

John Monahan of 11 Pinecrest Road, New Hartford offered the following comments and concerns:

- believed trash program was started because homeowners had no place to bring debris; then program expanded to include appliances
- believes new policy would be unfair if homeowner has a small quantity of debris, lumber, foundation, small shed, kitchen cabinets
- limitation concerns him.
- time, effort and money expended to hire a trash cop

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 9

- number of weeks spent on the program five (5) years ago versus six (6) weeks last year.

Highway Superintendent Cleveland responded that five (5) years ago the Highway Department was devoting about five (5) to six (6) weeks on the trash collection program and there have been instances when the Highway Department has picked up whole buildings. Dumpster days have been provided when Town residents can bring debris to a specific location; however, Mr. Monahan questioned how an elderly couple would get their debris to the dumpster. He stated that contractors or private haulers won't dispose of remodeling debris.

The Town Board discussed including items such as computer monitor [prohibited under the new proposal], microwave, portable air-conditioning unit and dehumidifier under "major appliances" as well as adding two (2) additional chairs under the "furniture" category; considerable attention was given to construction and demolition material [prohibited under the new proposal under curbside collection, but allowed during dumpster collection], whether to accept any and if so, the quantity. The final consensus was to allow a maximum of three (3) garbage cans of construction and/or demolition debris, OR, if not containerized, the construction and/or demolition debris cannot exceed one (1) cubic yard. Further, the Town would not be liable for damage to garbage cans.

Linda Frisillo of 2 Beechwood Road, New Hartford, stated that her private garbage hauler is Waste Management who provides a recycle bin; she questioned whether she would have to purchase garbage cans for the Town's curbside collection? Can she place items in cardboard boxes? The Highway Superintendent answered that that would be O.K., but that the Town does not collect cardboard and that the garbage cans would be required only for construction and demolition debris.

After considerable discussion among Town Board members on the maximum number of any particular item to be placed at curbside for one (1), two (2) and multiple family dwellings, the Town Supervisor suggested limiting all two (2)-family or more private residential structures, except condominiums and apartment complexes, to the two (2) family maximum item restriction and that the single family maximum restriction remain as proposed by the Advisory Committee.

At 8:33 P.M., the following Resolution was then introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Butler:

(RESOLUTION NO. 72 OF 2002)

WHEREAS, the Town's annual Curbside Collection Program has been in existence for about fifteen (15) years; and

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 10

WHEREAS, the residents of the Town have come to expect the Program’s continuance; and

WHEREAS, the amount of material collected has grown exponentially over the years, and to the point where the program is both taking an inordinate amount of time and manpower and being conducted at great expense; and

WHEREAS, the Town Board believes that some action is required to reduce the labor time and expense associated with this program, and has requested the Advisory Committee on Public Works and Sewers to study the matter and make recommendations to this end; and

WHEREAS, the Advisory Committee on Public Works and Sewers, having reviewed the Town of New Hartford’s Program and other municipalities’ programs, has offered recommendations;

NOW, THEREFORE, BE IT RESOLVED that the Town, in order to better regulate the volume of material being set curbside for the Town’s annual Curbside Collection Program, does hereby adopt the following guidelines for the types, kinds and numbers of items being set out for collection:

- A. That the program shall be offered only to private, single, two, three and four family residences, other types of residences being of a commercial nature, i.e., to include but not be limited to apartment complexes, boarding houses, condominium complexes, mobile home parks, and businesses

- B. That the following items, **to include but not be limited to**, shall be collected by the Town, noting where applicable, the maximum number of any particular item to be set out **per single family residence and for multi-family residences**, per collection event:

<u>ITEM</u>	<u>Single Family Residence</u>	<u>Multiple Family Residences</u>
<i>Major Appliances</i>		
Stove	One (1)	Two (2)
Refrigerator	One (1)	Two (2)
Water Heater	One (1)	Two (2)
Washer	One (1)	Two (2)
Dryer	One (1)	Two (2)
Television	One (1)	Two (2)
Computer Monitor and Components	One (1)	Two (2)
Window Air Conditioner	One (1)	Two (2)

REGULAR TOWN BOARD MEETING
February 6, 2002
Page 11

<u>ITEM</u>	<u>Single Family Residence</u>	<u>Multiple Family Residences</u>
<i>Furniture</i>		
Sofa	One (1)	Two (2)
Chairs	Four (4)	Eight (8)
Bed	One (1)	Two (2)
Box springs and mattresses	One (1)	Two (2)
Tables	One (1)	Two (2)
Dressers	One (1)	Two (2)
Carpets	One (1)	Two (2)
<i>Metals</i>		
Shed (small)	One (1)	Two (2)
Storm window frames (no glass)		
Screens		
Cabinets	One (1)	Two (2)
Metal fencing (no wood)		
Outdoor furniture		
- Table	One (1)	Two (2)
- Chairs	Four (4)	Eight (8)
Outdoor Grill (without propane tank)	One (1)	Two (2)
<i>Plastic</i>		
Children's toys (without batteries)		
Outdoor furniture		
- Table	One (1)	Two (2)
- Chairs	Four (4)	Eight (8)
<i>Tires (un-mounted)</i>	Four (4)	Eight (8)

Construction and Demolition Debris (not to exceed in total, one [1] cubic yard of materials, which may be containerized in up to three [3] standard garbage cans or by using multiple cardboard boxes, wherein the Town is not liable for any damage to the containers.)

C. That the following shall **not** be eligible for collection:

- Mounted tires
- Batteries
- Paint cans (whether they are full, partially full, or empty)

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 12

- Hazardous materials including, but not limited to:
 - Paint thinners
 - Lacquers
 - Cleaning liquids
 - Gasoline
 - Used motor oil
 - Asphalt sealing materials
- Recyclables to include, but not limited to:
 - Cardboard
 - Plastic containers
 - Glass containers
 - Bottles
 - Newspaper
 - Magazines
 - Paper Bags

D. Construction and Demolition materials may be disposed of with the Town at the Town's dumpster collection, scheduled for a minimum of once per year, and for a fee as determined by the Town Board.

E. Homeowners are encouraged to contact the Oneida-Herkimer Solid Waste Authority which has facilities and programs for all other non-eligible waste noted above.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted. Highway Superintendent Cleveland will review the policy changes with Attorney Rossi.

Trash Cop – Curbside Collection Program

As a result of some problems in the past with the Curbside (Trash) Collection Program, which were discussed in Autumn 2001 during budget preparations, Councilman Backman noted that appropriations for a "trash cop" had been included in the 2002 Annual Budget although said appropriation doesn't mean the Town must spend it all. He expressed interest in advertising for potential candidates for a "trash cop" in order to have a person on board before the Curbside Collection Program begins. The seasonal, part-time hours

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 13

for this position would be determined by the Town Board and the Highway Superintendent and an identification badge and use of a Town vehicle would be essential for this position. Councilman Backman noted that sometimes it's not the amount of trash put curbside, but that residents often place trash out to the street two (2) to three (3) weeks prior to their scheduled pick-up and the Town looks "trashy" and residents complain.

Councilman Waszkiewicz was hopeful that neighbors could monitor their neighborhoods – give the residents a chance for success. He suggested holding off hiring of a "trash cop" for the Curbside Collection Program.

Board consensus was to table this matter and the Highway Superintendent will discuss the "trash cop" with the Public Works Standing Committee.

Public Property (Equipment) Sale

The Highway Superintendent reported that Auction by Knapp had conducted a public sale on January 31, 2002 and the following Town vehicles were sold with the amount to be realized by the Town set opposite each item:

- 1998 Ford Expedition - \$ 8,500
VIN 1FMPU18L1WLB69194
- 1993 John Deere Front End Loader \$30,300
VIN DW544GD541744
- Miscellaneous furniture - (pending)

Agreement to Expend Highway Item I Monies (Highway Law, Section 284)

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

(RESOLUTION NO. 73 OF 2002)

RESOLVED that, pursuant to the provisions of *Section 284 of the Highway Law*, the Town Board and Highway Superintendent do hereby agree that moneys levied and collected for the repair and improvements of highways, and received from the State or other sources for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS** (5110 and 5120): The sum of \$722,728 may be expended for general repairs upon eighty-one (81) miles of Town highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewals thereof.

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 14

- 2. **IMPROVEMENTS (5112):** The sum of \$100,000 shall be set aside to be expended for the improvement of various Town highways to include crack sealing, slurry seal, binder and top course.

The Resolution was then voted upon as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

Thereafter, the Supervisor declared the Resolution unanimously carried and duly adopted

Higby Hills Street Lighting District –Authorization for Additional Lights

The Highway Superintendent had received a request for eight (8) additional streetlights within the existing Higby Hills Street Lighting District; this is in conformance with the original plans of said Subdivision.

Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 74 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Niagara Mohawk Power Corporation to install eight (8) 100-watt high-pressure sodium street lights at locations on Pebble Creek Lane and Augusta Drive designated on a map filed with the Town Clerk, all within the existing Higby Hills Street Lighting District, with all associated costs and future energy costs to be borne by said Street Lighting District.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WOODLAND:

Status - Request for Stop Sign on Balsam Crescent

Regarding a constituent request received by Councilman Woodland for traffic control at the Balsam Crescent intersection, the Highway Superintendent will follow up on this matter.

Road striping

Councilman Woodland had been contacted by Mr. Haskins on Sycamore Drive relative to striping of roads; the matter will be taken care of in the Spring of 2002 when Oneida County stripes the Town roads pursuant to an Agreement which is expected to be approved at the February 20, 2002 Town Board meeting.

Traffic Signal Light Stability

Kevin Kelly had forwarded a letter to Councilman Woodland regarding a traffic light which he observed fall onto Seneca Turnpike (NYS Route 5), a State highway. The Highway Superintendent reported he had looked at traffic lights on Friday, February 1, 2002 (a high wind day); he'll contact the New York State Department of Transportation to determine how frequently they check their lights and then communicate with Mr. Kelly.

Highway Superintendent Cleveland confirmed that the Town owns several traffic signals (intersections of Valley View-Chapman-Higby Road, Roberts Road-Oneida Street, Kellogg-Chapman Road-Oneida Street, Middlesettlement Road-Clinton Street). His Department will check the Town traffic signals when bulbs are replaced.

REPORT OF TOWN OFFICIALS

POLICE CHIEF:

Traffic Safety Grant

Police Chief Raymond Philo reported that Vincent J. Rossi, Jr., annual state traffic safety contract for 2002; attorney has not reviewed contract and he understood the intermunicipal agreement is standard.

Thereafter, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 75 OF 2002)

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 16

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with the State of New York Department of Motor Vehicles, Governor’s Safety Traffic Committee, for the purpose of obtaining a Fifteen Thousand Dollar (\$15,000) grant for public education and control for the Federal fiscal year beginning October 1, 2001 and ending September 30, 2002.

The Resolution was then voted upon as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

Thereafter, the Supervisor declared the Resolution unanimously carried and duly adopted.

Vehicle and Traffic – Part-time turn on red

Councilman Waszkiewicz and the Police Chief initiated discussion about the feasibility of motorists being permitted “*part-time turn on red*” at the Higby-Chapman-Valley View Road intersection. The consensus was for the Highway Superintendent to prepare a letter to the Oneida County Department of Public Works for their recommendation.

[NOTE: A Local Law, subject to public hearing, would be required to amend the Town’s Vehicle and Traffic Chapter.]

Railroad crossings – Motor Vehicle Accident

The Police Chief reported that about seventy-five percent (75%)of railroad crossings are not armed or guarded – they’re exempt because they are heavily regulated by State and Federal Departments of Transportation. (On January 21, 2002 a vehicle was struck by a train at the Old Campion Road-Ontario Avenue crossing.)

DISPATCH SUPERVISOR:

Agreement – Emergency Dispatch Services

Upon recommendation of Dispatch Supervisor Jeffrey Madden, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 76 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with the Village of Whitesboro wherein the Town of New Hartford will provide dispatch services to the

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 17

Whitesboro Fire Department for the period January 1, 2002 and terminating December 31, 2002; in consideration of receiving these services, the Village of Whitesboro will remit the sum of Five Thousand Dollars (\$5,000) to the Town of New Hartford.

The Supervisor polled the Board members who voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly adopted

TOWN CLERK:

Refund – Notice of Appeal (Zoning Variance)

Upon recommendation of the Town Clerk, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 77 OF 2002)

WHEREAS, Alfred and Andrea Florentino, 162 Paris Road, New Hartford, had applied for a Building Permit on January 9, 2002 and which permit had been rejected due to non-compliance with the Zoning Law; and

WHEREAS, the Florentino's then applied for and paid Forty Dollars (\$40.) for a Notice of Appeal to appear before the Zoning Board of Appeals to seek relief; and

WHEREAS, the Florentino's have since decided to sell their Paris Road residence and have terminated the Notice of Appeal process prior to the Town incurring any administrative expense (newspaper publication and/or mailings to adjacent property owners);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to refund the Notice of Appeal fee of Forty Dollars (\$40.) to Alfred and Andrea Florentino upon receipt of a duly executed Town voucher.

Upon roll call, the Board members voted as follows:

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 18

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Training School

Upon request of Town Clerk Gail Wolanin Young, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Backman:

(RESOLUTION NO. 78 OF 2002)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Town Clerk Gail Wolanin Young, CMC/RMC and Deputy Town Clerk I Margaret M. Jones to attend the New York State Town Clerks Annual Conference from April 21 through April 24, 2001 in Saratoga, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Water Towers – Southern Reservoirs

Councilman Waszkiewicz had received an anonymous letter relative to water towers planned for the Upper Mohawk Valley Regional Water Board’s southern reservoirs in the vicinity of Valley View Road-Cascade Drive. It was the consensus of the Town Board

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 19

that the Highway Superintendent and Councilman Waszkiewicz jointly forward letters to the Cascade Drive residents acknowledging that responsible action and/or review had been taken by the UMVRWB and the Highway Superintendent.

N-S Expressway

Councilman Waszkiewicz reported that the New York State Department of Transportation has embraced the study for a new north-south expressway to the Southern Tier and they're willing to pay for the. It was the consensus of the Town Board that Councilman Waszkiewicz forward communications to Oneida County, Madison County and Broome County officials to explain the proposal and to seek their support.

Supervisor Humphreys acknowledged the amount of time that Councilman Waszkiewicz has devoted to this project and commended him for his action.

Water Tower – Higby Road

Councilmen Waszkiewicz and Backman and the Highway Superintendent had received a report from Burley and Gurminiak pertaining to a proposed water tower on Higby Road, anticipated to service the Towns of New Hartford and Frankfort. Apparently, the Town of Frankfort can't contribute to this water tower because they aren't in a benefit area. Councilman Waszkiewicz requested permission to send letters to local/state/federal representatives seeking their help in gaining financial assistance.

Paving – Cascade-Valley View Drive

In response to Councilman Waszkiewicz's inquiry, the Highway Superintendent did not remember Cascade Drive or Valley View Road as sufficiently deficient to include in the Town's paving program.

Mohawk Valley Economic Development District (MVEDD)

Relative to the \$2600 annual dues for the Town of New Hartford to become a member of MVEDD, Councilman Waszkiewicz reported that an agency representative would attend a future Board meeting to explain what the dues are used for and the benefits gained by the Town. The Town Supervisor is interested in determining who is and who isn't paying these dues and if other municipalities are paying, how much. The Town Board can review this in another year.

Grant Writer

At the March 6, 2002 Town Board meeting a potential candidate for a Grant Writer will attend.

Planning Support/Service

Councilman Waszkiewicz suggested that the firm of *peter j. smith & associates* may have capabilities for planning support. Town Supervisor Humphreys stated that the Highway

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 20

Superintendent and he had met with smith & associates and reported they are not interested in providing day-to-day planning support for the Town; they will help the Town get going but distance is one factor. The company is located in western New York State. The Town Supervisor will be meeting with the Utica City Mayor to determine if Utica and New Hartford could perhaps work together. "They've just hired a planner," he said.

Web site & Town Phone System

Currently, Sr. Account Clerk Jan Christofaro is the Web Site and Telephone administrator. Councilman Waszkiewicz believed one (1) person should be accountable for these facilities and perhaps consider a back-up person. Department Heads will now have access to their own Web page and have the capability of updating their calendars.

Donovan Memorial Park Playground Equipment

Councilman Waszkiewicz reported that Parks and Recreation Director Michael Jeffery has completed his analysis of the Town's playground equipment and some problems exist with apparatus in the Donovan Memorial Park. The Parks and Recreation Director will present his report at the February 20, 2002 Town Board meeting.

Cable Television Franchise

Councilman Waszkiewicz informed the Board that Tom Isabella of the State Department of Public Services (DPS) is willing to meet with the Town Board to address issues brought to the Town by the Telecommunications Advisory Committee.

Town Supervisor Humphreys noted that *Adelphia* has signed the Cable Franchise renewal and forwarded same to the DPS; *Adelphia* will provide a legal notice in the Observer Dispatch for a two (2) week period. If legal technicalities are found in the Adelphia franchise – i.e., words needing to be changed, the DPS will change it to make it legal.

MATTERS SUBMITTED BY TOWN SUPERVISOR

ADVISORY COMMITTEE ON PUBLIC WORKS AND SEWERS – TERM CONFIRMATION

The Town Supervisor and Highway Superintendent confirmed that the Public Works Advisory Committee had conducted a "straw" vote to determine their respective term expirations; therefore, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

(RESOLUTION NO. 79 OF 2002)

RESOLVED that the New Hartford Town Board does hereby confirm the membership and term expiration of the *Advisory Committee on Public Works and Sewers*, as follows:

REGULAR TOWN BOARD MEETING
February 6, 2002
Page 21

<u>Member</u>	<u>Term Expiration</u>
Ronald Morelle (Chairman)	December 31, 2002
John Storey	December 31, 2004
Kenneth Lowell	December 31, 2004
Robert Spriggs	December 31, 2004
John Barkett, Jr.	December 31, 2003
James Hill	December 31, 2003
William Wolber	December 31, 2002
Rodger Reynolds	December 31, 2003
Lewis Smith	December 31, 2002.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted

SOUTH WOODS STREET LIGHT DISTRICT

Town Supervisor Humphreys explained that the Town will need to recover three (3) years of lighting expenses on the 2003 Town and County Tax bill for parcels in the South Woods Street Light District. [NOTE: Refer to January 16, 2002 Town Board minutes.] It was the Town Board's consensus to send letters to all property owners within this special district explaining the combination of a delay and billing errors and that the district lighting expenses will be shared among all one hundred twenty-one (121) property owners (original district and extension) rather than only the fourteen (14) property owners in the original district. Based upon an average-assessed home of \$231,000 in the Light District, the "average" tax would be \$130.00 for 2003. Commencing 2004, the tax for an "average" assessed home would decrease to about \$40.00

TRASH COP – CURBSIDE COLLECTION PROGRAM

Taras Tesak appeared relative to the "trash cop" funding in the 2002 Budget; the Town Supervisor explained that the matter had been tabled until sometime in the future and that the Town Board had amended the Curbside Collection Program thereby limiting the numbers and types of items to be picked up.

Mr. Tesak stated that his concern wasn't only with the potential "trash cop" position, but with the cleanliness of the Town. He is interested in monitoring the Town and is pleased to see how the Town is operating. He believed there is a combination problem – white trash (appliances), green waste, and multiple private trash haulers collecting in same

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 22

neighborhood (too noisy, too many haulers every morning in neighborhoods, streets littered). In the future, he would like to address the Town Board with two (2) other municipalities' trash collection programs.

FIRE PROTECTION CONTRACT

Supervisor Humphreys clarified the reason that the Village of New York Mills had not executed the Fire Contract for District No. 5. John Bialek had requested a three percent (3%) increase but didn't specify the basis. The former Town Comptroller gave the increase on the contract rate; however, Mr. Bialek had wanted the increase on the assessment. The discrepancy was clarified and the contract will now be signed and submitted to the Town Clerk for filing.

PAYMENT IN LIEU OF TAXES (PILOT)

According to financial advisor Patrick Tyksinski, the Supervisor reported that St. Luke's Memorial Hospital Center has not made their PILOT payment; Mr. Tyksinski will follow up on this with Attorney Robert Calli.

SOCIAL SERVICES CHECKING ACCOUNT – CLOSE OUT

Upon recommendation of Bookkeeper Carol Fairbrother, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 80 OF 2002)

WHEREAS, effective January 1, 2001 the County of Oneida had assumed the responsibility of social service clients within the Town of New Hartford;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct Bookkeeper Carol Fairbrother to close out the Social Services Checking Account No. 705-0110243 and to transfer the remaining balance of Three Thousand One Hundred Sixty Dollars and Ninety-four Cents (\$3,160.94) into the Town of New Hartford Whole-Town General Fund.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

REGULAR TOWN BOARD MEETING

February 6, 2002

Page 23

TRANSFER JUSTICE COURT ACCOUNT

Upon further recommendation of the Town Bookkeeper, Councilman Backman introduced the following Resolution for adoption and Councilman Waszkiewicz seconded same:

(RESOLUTION NO. 81 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to close out the Justice Court account (a Whole-Town General Fund account) at the Adirondack bank and to transfer the account balance of Two Hundred Seventy-nine Thousand Four Hundred Forty Dollars and Fifty-five Cents (\$279,440.55), plus the interest earned to the date of transfer, into the Town of New Hartford Whole-Town General Fund account at Fleet Bank [where it originally was opened] in order to reconsolidate all accounts within the Whole-Town General Fund.

The Town Board discussed setting up some other account at Adirondack Bank in place of the Justice Court funds and to “maximize” interest. The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

ONEIDA-HERKIMER COUNTIES EMPIRE ZONE

Councilman Waszkiewicz reported that at a recent Empire Zone meeting, a motion was made to establish March 1, 2002 as the deadline for the zone boundary amendment, as well as a motion that the Town of Whitestown zone mirror the New Hartford zone and that the Whitestown retain no more than one hundred thirty (130) land-banked acreage.

The Town Supervisor asked Councilman Waszkiewicz to continue as the Town’s representative at the Oneida-Herkimer Counties Empire Zone meetings.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Butler, seconded by Councilman Waszkiewicz, the meeting was adjourned at 10:32 P.M.

REGULAR TOWN BOARD MEETING
February 6, 2002
Page 24

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk