

**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,
MARCH 6, 2002 AT 7:00 P.M.**

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

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Codes Enforcement Officer Gerald F. Back
Director of Senior Services M. Eileen Spellman
Dispatch Supervisor Jeffrey Madden
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael Jeffery
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk II Sarah A. Long

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

MINUTES APPROVAL

After reviewing minutes that had been mailed to all Board members, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 102 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the **minutes** of the Special Town Board meeting held **January 31, 2002** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye	
Councilman Woodland	-		ABSTAINED,
because he did not attend that meeting			
Councilman Butler	-	Aye	

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Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared carried and duly adopted.

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

(RESOLUTION NO. 103 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the **minutes** of the Special Town Board meeting held **February 9, 2002** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSTAINED, as he had not
attended that meeting		
Councilman Woodland	-	Aye
Councilman Butler	-	ABSTAINED, as he had not
attended that meeting		
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared carried and duly adopted.

Action on the minutes of the Regular Town Board meeting held **February 20, 2002** was **deferred** until the March 20, 2002 Town Board meeting.

Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 104 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the **minutes** of the Special Town Board meeting held **February 25, 2002** and does further waive the reading of the same.

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Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED, as he had not attended that meeting
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared carried and duly adopted.

PUBLIC PRESENTATIONS

GRANT WRITER:

Connie Miner submitted packages for each Board member pertaining to her grant consultant services, as well as grants administration. Ms. Miner reviewed her educational, work and municipal experience, including low interest loans experience. Her objective is to bring in money and reduce taxes and she cited projects including concerts, drainage problems, police and fire services, programs for seniors, and historic preservation. She stated the Town should look at investment when hiring a grant writer. Ms. Miner reviewed her fee structure on retainer and also noted that she has worked on a per-project basis. Her current municipal clients do not include police departments. Her lowest contract is \$11,000 and the highest is \$14,000. If the Town were to retain her services, Ms. Miner advised that the first year of the contract would involve a large learning curve for her. She submitted a client list and references as well as spread sheet on grants, which she had obtained.

Supervisor Humphreys stated that the Town owns four (4) parks, one of which is in need of new playground equipment and he also alluded to the possible consolidation of municipal offices at one site. Ms. Miner replied that it's difficult to fund municipal buildings through grants unless the building includes police offices, teen center, items like that.

The following Town Department Heads, who write many of their own grants, then addressed Ms. Miner:

- M. Eileen Spellman, Director of Senior Services
 - a grant writer would free up department heads' time to concentrate on other work
 - she has several grant applications presently in the works (lighting, need a bus, etc.)

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- Ray Philo, Town Police Chief
 - homeland security and emergency preparedness situations
 - anticipates large amount of money for emergencies, not only for police; these plans will be mandated, training needed, etc. in the 2002-03 Federal year as result of the September 11, 2001 terrorist attacks.
 - Chief Philo and Lt. O'Neill write grants
 - time consuming more for administration of grants versus writing them

- Earl Cunningham of the New Hartford Public Library
 - inquired about percentage of grants for private foundations versus municipalities

- Michael W. Jeffery, Parks and Recreation Director
 - inquired if Ms. Miner worked on "cooperative" projects
 - any available funds for playground equipment for consumer safety

Ms. Miner would write a "cooperative" grant as long as the Town of New Hartford was the Lead Agency. Concerning playground equipment, a grant might have to be linked with the Americans with Disability Act (ADA). The presentation concluded at 7:53 P.M.

REGIONAL WATER SERVICE

Emil Streeter, Town of Frankfort Councilman, stated that his municipality is attempting to establish a water district and the new administration is willing to discuss the possibility of a bi-county project. Being aware of New Hartford's history and Councilman Waszkiewicz's meetings with Frankfort officials, Mr. Streeter asked to be notified of any future meetings with the Upper Mohawk Valley Regional Water Board.

PUBLIC HEARING

8:00 P.M.

Proposed Jubilee Estates Drainage District

The Town Supervisor opened the Public Hearing at 8:00 P.M. and the Town Clerk presented the Order for Public Hearing, Affidavit of Posting and Proof of Publication (February 15, 2002 edition of Observer Dispatch). Town Clerk Gail Wolanin Young also presented the Town Assessor's certification that the petitioners represented at least fifty-one percent (51%) of the assessed value of the proposed special district. Supervisor Humphreys stated that the purpose of the Hearing was to offer the public an opportunity to speak for, against or comment upon the proposed establishment of the Jubilee Estates Drainage District.

Highway Superintendent Cleveland acknowledged receipt of a Petition from the Jubilee Estates developers who will bear the cost of the initial drainage

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improvements. Relating to any future maintenance of the stormwater facilities, the Town can provide in-house services and charge the cost to the drainage district, or hire a contractor. Property owners within a special district pay for improvements.

Although notified of the Hearing, neither the developers nor their attorney were present at this time.

Supervisor Humphreys inquired if anyone wished to speak in the matter. No one having come forth, the Public Hearing was declared closed at 8:06 P.M.

ESTABLISHMENT OF JUBILEE ESTATES DRAINAGE DISTRICT

(RESOLUTION NO. 105 OF 2002)

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

WHEREAS, a petition dated November 29, 2001, for the creation of a drainage district to be known as the Jubilee Estates Drainage District in the Town of New Hartford, Oneida County, New York was duly presented to this Town Board together with the necessary map and plan; and

WHEREAS, an Order was duly adopted by the Town Board on February 6, 2002, reciting the filing of said petition, the improvements proposed, the boundaries of the proposed district, and specifying the 6th day of March, 2002, at 8:00 o'clock in the evening of that day as the time and the Kellogg Road Community Center Building in the Town of New Hartford, Oneida County, New York, as the place where the said Town Board would meet to consider the petition and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such Order was duly posted and published as required by law and the hearing of the matter was duly held by the Town Board on the 6th day of March, 2002 at 8:00 o'clock in the evening of that day at the Kellogg Road Community Center Building in the Town of New Hartford, Oneida County, New York, and all persons desiring to be heard having been duly heard,

NOW, on the evidence given at such hearing and on motion of Councilman Backman, seconded by Councilman Waszkiewicz, it is

RESOLVED AND DETERMINED that

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- (a) the petition aforesaid is signed and acknowledged or proved as required by law and is otherwise sufficient;
- (b) all the property and property owners within the proposed district are benefited thereby;
- (c) all of the property and property owners benefited are included within the limits of the proposed district;
- (d) it is in the public interest to grant in whole the relief sought.

and it is further

RESOLVED and **DETERMINED** that the proposed improvement and all the expenses thereof shall be paid for in full by the petitioner, Jubilee Estates LLC, and the permission of the State Comptroller is not required for the establishment of said district and the construction of the improvement and the provision of services therein;

and it is further

RESOLVED, DETERMINED and **ORDERED** that a drainage district as proposed in said petition be and the same hereby is established; that the improvement therein mentioned be constructed upon the required funds being made available or provided for and such services therein as may be required be furnished from such facilities or in such manner as this Board may hereafter and from time to time designate on such terms as this Board may hereafter from time to time establish; and that such district be designated and known as the *“Jubilee Estates Drainage District in the Town of New Hartford”* and shall 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;
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;

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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.

and it is further

RESOLVED, DETERMINED, and ORDERED that the Town Clerk of this Town shall, within ten days after the adoption of these resolutions and orders, file a certified copy in the office of the Clerk of Oneida County, New York, at Utica, New York.

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

PUBLIC PRESENTATIONS (CONTINUED)

CONSTITUENT COMPLAINT - WOODBERRY SWIM CLUB

Tony Wasielewski, 11 Foxcroft Road, apprised the Town Board of unacceptable situations involving the Woodberry Swim Club that is adjacent to his property

- a pathway over his property that families are using to access the Swim Club

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- a tennis court, running parallel to and to the rear of his home, now exposed as a result of the (buffer zone) spruce trees and Russian maples dying.
- people don't use the paved walkway
- children ride their bikes across his lawn to the swim club
- continually pounding noise and unsightly view of an 8' x 8' plywood tennis board
- contacts with Mr. Prue, manager of the swim club, have been in vain.

After some discussion, it was decided that Councilman Butler and Codes Enforcement Officer Gerald Back will address these matters with the Woodberry Swim Club Board of Directors and the Town Clerk's Office will research the Town Planning Board minutes to determine if any restrictions were placed on the swim club when it was approved in the 1960's.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Bid Results & Contract Award for Leaf Vacuum Machines

Highway Superintendent Cleveland reported that the following bids for three (3) Leaf Vacuum Machines had been received and opened by the Town Clerk at the March 1, 2002 Bid Opening:

- The ODB Company - \$30,600 for three (3) machines
- Cyncon Equipment Incorporated - \$42,480 for three (3) machines
- Roberts Equipment - \$25,011 for three (3) machines.

The following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 106 OF 2002)

WHEREAS, the Town Superintendent of Highways did, on the 6th day of March, 2002, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, the following equipment from Roberts Equipment, Cazenovia, NY 13035:

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Three (3) New Giant Vac, Models TM6500-HW, Leaf Loaders,
as per Town specifications

for a maximum **aggregate** price of Twenty-five Thousand Eleven Dollars (\$25,011), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by May 6, 2002. A contract for the item(s) purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of the item(s) purchased, the Town Supervisor shall pay the amount of Twenty-five Thousand Eleven Dollars (\$25,011) from the proceeds of obligations issued pursuant to the Local Finance Law.

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.

Trash/Green Waste Program Compliance

With regard to the “Trash cop” position discussed by the Public Works Standing Committee and the Town Board last year and appropriated in the 2002 Annual Budget, the Highway Superintendent urged the Board to fill the position and provided justification for same. To be proactive, the Highway Superintendent believes it beneficial to hire an individual a couple weeks before the Curbside Collection Program commences and to hire the person only for the six-week Collection Program at an hourly wage of Ten Dollars (\$10). With only one (1) dumpster day this year, the Town will save enough money to fund this one individual for the six (6) week period.

The following comments were offered:

- Councilman Butler
 - with recent modifications to the Curbside Collection Policy, there may be some issues that will need resolving
 - the Town needs an individual to ensure the modifications are adhered to
 - the Highway Superintendent and Deputy don’t have the time for enforcement
 - believes the Town would be making a mistake if they didn’t hire someone the first year (w/modifications in the Program).

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- Codes Enforcement Officer Gerald Back
 - in the late 1980's the Town hired a person for this purpose
 - person worked out very well, served as a deterrent
 - individual was on-site before the Highway crews arrived to collect debris and resolved any issues, or deviations from Town policy

- Town Police Chief Philo
 - cautioned that the "Trash cop" must know the mechanics of arrest, etc., testifying in court, that being reason why he had previously offered his Police Officers to serve notices

- Councilman Woodland is not in favor of the proposal

The Town Board confirmed that the "Trash cop" is to have no arrest powers, only to serve diplomatically. Residents who refuse to remove unacceptable debris will then be subject to enforcement. After further discussion, the following Resolution was introduced for adoption by Councilman Butler, seconded by Councilman Backman:

(RESOLUTION NO. 107 OF 2002)

RESOLVED that the New Hartford Town Board does hereby agree to hire an individual as a Trash Enforcement Officer (Trash Cop) for the Town's Curbside Collection Program with the following stipulations:

- that employment interviews be conducted by the Deputy Highway Superintendent and/or Highway Superintendent to help facilitate said Program
- the Trash Enforcement Officer will be hired for six (6) weeks
- the Trash Enforcement Officer shall work a 35-hour week at Ten Dollars (\$10) per hour, payable bi-weekly
- the Trash Enforcement Officer will proceed 24-48 hours before the Highway crews to determine what the Town won't pick up
- the Trash Enforcement Officer will notify the Codes Enforcement Officer of every violator within 24 hours of every pickup
- the Trash Enforcement Officer will notify the Codes Enforcement Officer of violators who put out trash a week ahead of time
- the salary of the Trash Enforcement Officer is to be paid from the Highway Department fund, not from dumpster savings
- the Town will offer two (2) dumpster days.

Upon roll call, the Board members voted as follows:

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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 the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 108 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 Highway Superintendent Roger A. Cleveland to attend the Tug Hill Conference on April 11, 2002 in Watertown, 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.

Subdivision Regulations – Termination of Contract

The Highway Superintendent recommended that the Town terminate its contract with the LA Group for update of the Town’s Subdivision Regulations based upon lack of communication, a draft document with a multitude of errors, and lack of staff familiar with the Town of New Hartford projects. Further, several weeks ago the Town received updated Town Zoning Maps that were, in fact, inaccurate. He recommended the Town enter into a contract with *peter j smith & associates* for this project. Discussion followed with the Attorney for the Town who recommended that the Town send the LA Group a

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letter advising that the Town doesn't want any more work done on the subdivision regulation update. The Highway Superintendent will discuss this matter with *peter j smith & associates* and report at the March 20, 2002 Town Board meeting.

The following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 109 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby **terminate**, effective immediately, its business relationship with the **LA Group** and specifically relating to continuance of additional work for drafting the Town's **subdivision regulations**.

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 One-Ton Dump Truck w/plow – State Contract

On February 20, 2002 the Town Board adopted a Resolution authorizing competitive bid for a one (1) ton dump truck; subsequently, it was learned that this equipment can be acquired off State Contract and doesn't need competitive bid. Upon recommendation of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Butler and seconded by Councilman Backman:

(RESOLUTION NO. 110 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to purchase one (1) one-ton dump truck with plow on State Contract #PC58816 for the maximum price of Twenty-eight Thousand Four Hundred Seventy Dollars (\$28,470), plus an additional Two Thousand Dollars (\$2,000) for painting the vehicle orange.

Upon roll call, the Board members voted as follows:

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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 John Deere Loader – State Contract

Upon request of the Highway Superintendent, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 111 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to purchase one (1) John Deere 544-H Loader on State Contract #PC58063 for the price of Eighty-one Thousand Seven Hundred Sixty-six Dollars (\$81,766) and the Town will receive a minimum of Twenty-six Thousand Dollars (\$26,000) from the local distributor, Five Star, at a publicly-noticed auction for the Town's 1993 John Deere Loader, Model 544G, VIN DW544GD541742, resulting in the Town paying a maximum price of Fifty-five Thousand Seven Hundred Sixty-six Dollars (\$55,766).

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.

Part-time Clerical Appointment

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

(RESOLUTION NO. 112 OF 2002)

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WHEREAS, a vacancy exists in the Part-time Clerk position in the Codes Enforcement Department as a result of the resignation of Angela Thieme, the former incumbent thereof; and

WHEREAS, said vacancy has been posted and interviews have been conducted;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Monica Bard as a Part-time Clerk effective March 11, 2002 to serve the Highway, Engineering and the Codes/Planning/Zoning Departments for a work week not to exceed twenty (20) hours, at an hourly wage of Eight Dollars and Fifty Cents (\$8.50), payable bi-weekly.

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

Mile Marker – Boilermaker Road Raceway

As part of the *Boilermaker Mile Marker Project*, the Leadership Mohawk Valley Class of 2002 Group members plan to design and install mile markers along the 15k (9.3 mile) Utica Boilermaker Road Race as a way of saying **thank you** for all that the Boilermaker Road Race has done for the community. The group has requested permission to install mile marker #7 within the Town of New Hartford at a location between Utica College (Burrstone Road) and Faxton-St. Luke’s Healthcare Facility (Champlin Avenue). After a brief discussion, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 113 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to the Leadership Mohawk Valley Class of 2002 to install Boilermaker Road Race mile marker #7 within said Town, between the Utica College Campus and Faxton-St. Luke’s Healthcare (St. Luke’s Campus), contingent upon approval of this proposal by the New York State Department of Transportation which owns and maintains Burrstone Road and Champlin Avenue, state highways.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Proposed Road Dedication – Sherman Oaks

Residents of the Sherman Oaks condominium complex have requested dedication of their roads as public, Town roads; the Highway Superintendent noted these roads are below the State standards of a minimum width of three (3) rods. Highway Superintendent explained that the Town would have to dedicate the roads and then ask the State for a variance of their minimum width requirement. Residents of Sherman Oaks are willing to pay the money to bring these roads up to standard. Discussion among Board members and the Attorney included the following:

- the Highway Department could plow the roads but with some difficulty
- some precedent set with other complexes of that kind in the Town
- no other residential complex in the Town where residents' cars parked in their driveway jut into the roadway
- how to eliminate parked cars jutting into the road
- condominium agreement allegedly requires vehicles to be parked in garage.

The matter was deferred until the March 20, 2002 Town Board meeting.

Custodian Resignation - Replacement

Highway Superintendent Cleveland reported that effective April 1, 2002, Edward Bowes will leave the Town's employment as a Part-time Custodian at the Donovan and Kellogg Road Community Center Buildings and the Jerome K. Madden Justice Building. After a brief discussion, Councilman Butler offered the following Resolution for adoption, seconded by Councilman Waszkiewicz::

(RESOLUTION NO. 114 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept the resignation of Edward Bowes as Part-time Custodian effective April 1, 2002 and does hereby authorize and direct the Highway Superintendent to fill said vacancy.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Property Maintenance – 9 Kellogg Road

Councilman Backman briefed Attorney Rossi on the history of property located at 9 Kellogg Road that has been abandoned and inquired whether the Town could proceed with demolition. One more year must elapse before Oneida County can take over the property and place it for public sale. Codes Enforcement Officer Gerald Back outlined the procedure set forth in Town Code that he must follow as well as the action he has taken. Attorney Rossi will review Officer Back’s file and report at a future meeting.

PARKS AND RECREATION DIRECTOR:

Donovan Memorial Park playground equipment

Parks and Recreation Director Michael Jeffery reported that the unsafe playground equipment in the Donovan Memorial Park will be removed, starting March 7, 2002.

Training School

Upon request of the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 115 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 Parks and Recreation Director Michael W. Jeffery and Recreation Center Manager John C. Cunningham to attend the Northeastern Ice Managers Conference from April 10 through April 12, 2002 in Massachusetts, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

POLICE CHIEF:

Police Chief Philo was present but no report at this time.

DISPATCH CENTER SUPERVISOR:

Dispatch Supervisor Jeffrey Madden was present but had no report.

TOWN CLERK:

Checking/Money Market Account – Authorized Signatures

The Town Clerk requested authorization to update the signatures on the Town Clerk Checking and Money Market Accounts to reflect the current Deputy Town Clerk I and presented the Resolutions required by Fleet Bank to achieve this. The following Resolutions were introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

RESOLUTION NO. 116 OF 200.)

RESOLVED that Fleet Bank be, and hereby is, designated a depository of funds of the Town of New Hartford, Town Clerk’s Office, with the authority to accept at any time for the credit of the Depositor deposits in checking and money market accounts, by whomsoever made in whatever manner endorsed; and, without limiting the generality of the foregoing, which endorsement may be in writing, by stamp, or otherwise and which endorsement may be effectively made with or without designation or signature of the person so endorsing; and all funds in the Depositor’s accounts shall be subject to the bylaws, rules, account agreements, regulations and conditions of the Bank governing deposits now in effect or hereafter adopted by the Bank; and the Bank shall not be liable in connection with the collection of such items which are handled by the Bank without negligence and the Bank shall not be liable for the acts of its agents, subagents or for any other casualty;

RESOLVED that the Bank be, and hereby is, authorized and directed to pay or otherwise honor checks, drafts, notes, bills of exchange, acceptances, undertakings and other instruments or orders for the payment, transfer or withdrawal of money for whatever purpose and to whomsoever payable when made, signed, accepted or endorsed by the signature or the actual or purported facsimile signature, of any one (1) of the named

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persons, or persons from time to time holding the following offices of the Depositor as indicated as authorized signatures:

- Gail Wolanin Young, Town Clerk
- Margaret M. Jones, Deputy Town Clerk I

RESOLVED: That if the foregoing Resolution(s) permits the recognition of facsimile signature(s), the Depositor assumes full responsibility for the use of actual or printed facsimile signature(s) of any person or persons named above appearing on checks, drafts or orders of the Depositor drawn on the Bank and for payments made by the Bank in reliance thereon, which payments may be charged to the account of the Depositor, regardless of by whom or by what means the actual or purported facsimile signature(s) may have been affixed or impressed, if such signature(s) resemble the facsimile specimen(s) duly certified to or filed with the Bank by or on behalf of the Depositor and the Bank acts in good faith; and be it further

RESOLVED: That the Bank may act on any direction of a person authorized by the foregoing Resolutions without inquiry and without regard to the application of the proceeds thereof, including, without limitation, directions that payments be made to the Bank or to individual order of the signer, or that payment be tendered in payment to the signer's individual obligation or to others for the signer's account; and be it further

RESOLVED: That the Bank may rely on this document and on any certificate by an authorized representative of the Depositor as to the names and signatures of the present and future officers of the Depositor until the Bank has actually received written notice to the contrary and has had a reasonable period of time to act on such notice; and be it further

RESOLVED: That the Depositor shall, and by adoption of this Resolution does, agree to indemnify the Bank against any claim resulting from payments made pursuant to, or actions taken in good faith in reliance upon, any authorization contained in these Resolutions, including any actions taken after a change in the ownership, membership, management or legal structure of the Depositor but before the Bank has actual notice of such change and a reasonable period to act upon such notice; and be it further

RESOLVED: That the Town Clerk and Town Supervisor be, and hereby are authorized to certify the foregoing Resolutions.

The Supervisor polled the Board members who voted as follows:

Councilman Waszkiewicz - Aye

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

The Resolution was declared unanimously carried and duly adopted.

Request for Voting Machine

Upon recommendation of the Town Clerk, the following Resolution was offered for adoption by Councilman Backman and seconded by Councilman Butler:

(RESOLUTION NO. 117 OF 2002)

WHEREAS, the Village of New Hartford has requested the use of one (1) Town voting machine for their Village Election;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby grant the Village of New Hartford the use of one (1) Town voting machine for their Village Election to be conducted Tuesday, March 19, 2002, said voting machine to be transported and set up by the Town Voting Machine Custodian at no cost to the Town of New Hartford.

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.

Municipal request for Zoning Law

Town Clerk Gail Wolanin Young had received a request from Mark Miller for a “gratis” copy of New Hartford’s Zoning Law to assist the Town of Paris in updating their Zoning Law. The Town Clerk explained that the Zoning books are numbered and, by local law, sell for Fifty Dollars (\$50) each and that she does not have the authority to waive any fees. Thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 118 OF 2002)

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RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk to *loan* a New Hartford Town Zoning Book to the Town of Paris for a period of thirty (30) days to photocopy for their needs in updating their zoning codes.

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

Loan of equipment to New Hartford Public Library

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

(RESOLUTION NO. 119 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Clerk to loan one (1) Canon PC-80 Reader/Printer (M32028, Serial No. 33104665) and one (1) Alos Model 27.14 Microfiche Reader (Serial No. 150137) to the New Hartford Public Library who shall be responsible for maintaining said equipment for its duration while located in and used by said Library.

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

REPORTS OF SPECIAL COMMITTEES

SAFETY COMMITTEE:

The Town Board had received from the Safety Committee the first six (6) sections of the proposed Health and Safety Manual. Discussion ensued with Attorney Rossi and the

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Police Chief, after which the matter was tabled until the March 20, 2002 Town Board meeting to allow Attorney Rossi time to review the draft manual.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Woodberry Sewer Rent Collection

Councilman Backman explained that a former owner of 5 Barley Mow Run hadn't paid his sewer charge to the Woodberry Sewage Disposal Co.; and when the Town acquired that sewage system, the Town made a good faith effort to collect the delinquent rents. If the sewer charges were not paid, the amount was levied on their Town and County tax bill. In this case, 5 Barley Mow Run was sold to Robert Copeland in June 2001 and, unbeknown to Mr. Copeland or his attorney, a lien for the former owner's unpaid sewer charge was on Mr. Copeland's 2002 Town and County tax bill, which he paid. Discussion ensued about the feasibility of reimbursing Mr. Copeland, deducting the Fifty Dollar (\$50) lien amount from funds due Randolph Soggs (former owner of the Sewage Disposal Co.) or advising Mr. Copeland to pursue this matter with the former owner. Attorney Rossi stated that legally the Town cannot withhold the \$50 from Mr. Soggs who had performed a service, nor should the Town reimburse Mr. Copeland. The Town's collection of the sewer rent lien was proper and Mr. Copeland's recourse is with the former owner.

Beechwood Road Drainage

Councilman Backman and the Highway Superintendent had received a letter from Mr. and Mrs. Michael Kennedy, 9 Beechwood Road, documenting their concerns of flooding and questions about removal of sandbags in their backyard. In June 2001, the Town received bids for drainage improvements on Beechwood Road; however, several property owners refused to grant an easement and the project was put on hold. Attorney Rossi says if the Town condemns property for an easement, the Town must pay the fair market value as well as attorney fees.

COUNCILMAN WASZKIEWICZ:

NYS Route 12 Task Force Update

Meetings have been held and the Board will receive the status update in writing; Councilman Waszkiewicz will be asking the Town Board to pass a resolution in support of this proposal in the future.

Stormwater Management – Nye Avenue

Kevin Lewis of the Oneida County Soil and Conservation Department believes the Nye Avenue stormwater matter might be resolved without establishing a special district. The

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matter is being pursued by the Highway Superintendent and Councilman Waszkiewicz – the cost of benefits must be distributed to the benefiting party and in this area, the benefited properties are least contributing to the problem.

Town Physical Building Facility Review Committee

The Committee is reviewing a list of approximately fifteen (15) properties for consideration of consolidating municipal offices and will prepare a short list at their meeting the week of March 11, 2002.

Town Phone System & Web Site – Procedure & Coordinator

Concerned that the Town’s phone system is not being used to its fullest capabilities, Councilman Waszkiewicz would like the Town to designate a Coordinator for the town-wide phone system as well as the Town’s Web Site. Councilman Backman suggested an existing employee but also to approach New Hartford Central School to determine if a student could be hired.

MATTERS SUBMITTED BY TOWN SUPERVISOR

AUDIT OF BILLS

The following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 120 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts that have been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 6/2002	\$ 80,685.53
General Fund, Whole-Town Abstract No. 7/2002	\$148,327.00
General Fund, Part-Town Abstract No. 6/2002	\$ 21,974.65
Highway Fund Whole-Town Abstract No. 1/2002	\$ 11,161.91
Highway Fund Part-Town Abstract No. 6/2002	\$ 20,359.18
Water Fund Abstract No. 2/2002	\$ 1,114.55
Street Light Abstract No. 4/2002	\$ 7,695.14
Sewer Fund Abstract No. 5/2002	\$ 5,982.00
Clinton Street Sewer Capital Project Abstract No. 1/2002	\$ 84,613.84
HVAC-Madden Bldg Project Abstract No. 2/2002	\$ 29,003.50
Salt Storage Barn Abstract No. 1/2002	<u>\$ 57,000.00</u>
TOTAL:	\$467,917.30

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

LEASE AGREEMENT

Supervisor Humphreys reported that the 25-year Lease Agreement between the Town and Village of New Hartford for the Village land upon which the Town's Recreation Center was constructed had expired one (1) year ago. Upon recommendation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

(RESOLUTION NO. 121 OF 2002)

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 a 25-year Lease Agreement with the Village of New Hartford for lease of Village-owned land for operation of the Town's Recreation Center, retroactive to March 17, 2001 and terminating March 17, 2026, at an annual rent of One Dollar (\$1); and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized to pay up-front the aggregate annual rent of Twenty-five Dollars (\$25) for this 25-year Lease.

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.

EMPLOYEE WELLNESS PROGRAM

As the Employee Wellness Program at the All-American Fitness Center is up for renewal in March 2002, the Town Supervisor had obtained a copy of the employee attendance list showing those who participated and the number of times employees had used the Program over a 9-month period. It was brought to the Town Board's attention that some

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employees have participated in the Program but were unaware they needed to sign the attendance sheet. After some discussion, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 122 OF 2002)

RESOLVED that the New Hartford Town Board does hereby agree to continue the Employee Wellness Program for the remainder of 2002, monitoring employee usage, and to address continuance of the employee benefit program during the 2003 Budget process in Autumn 2002; further, the Town Board does hereby direct the Personnel Assistant to insert notices in all employees' paychecks that the Town is considering revocation of this Program and also to remind employees they must sign the attendance register each time they participate.

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.

BOND ANTICIPATION NOTE SALE

The Town Supervisor reviewed the \$168,000 Bond Anticipation Note (renewal) sale results.

TOWN NEWS ARTICLES

The Town Crier has changed ownership and will now be distributed to approximately 11,000 people in the Town of New Hartford. Town Crier representatives met with the Town Supervisor and are seeking news articles from the Town Department Heads and have requested that Patti Robinson resume her volunteer position of coordinating the articles to be written by the Department Heads.

BOARD OF ASSESSMENT REVIEW APPOINTMENT

The term of office of Warren Hall as a member of the Board of Assessment Review (BAR) had expired on September 30, 2001 and Councilman Waszkiewicz had contacted Mr. Hall inasmuch as Councilman Waszkiewicz intended to nominate another individual to fill this vacancy. Mr. Hall had expressed his continued interest in serving on the Board of Assessment Review; however, the Town was attempting to distribute representative evenly in the Four Wards; currently, four (4) of the five (5) BAR members reside in the

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Third Ward. Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 123 OF 2002)

WHEREAS, a vacancy exists in position number 4 on the Board of Assessment Review due to the term expiration of Warren Hall, the former incumbent thereof, effective September 30, 2001;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Frank Furno, 18 Lower Woods Road North, Utica, New York, to fill the vacant Member Position #4 on the Board of Assessment Review for a five-year term effective March 6, 2002 and terminating September 30, 2006, in accordance with the Real Property Tax Law of the State of New York.

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.

EXECUTIVE SESSION

Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 124 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss acquisition of real estate, the First Source/Soggs Certiorari (Assessment Grievance) proceeding, the Salerno Certiorari (Assessment Grievance) proceeding, and a potential contract involving real estate.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 11:18 P.M. The Town Clerk and Deputy remained, as did Attorney Rossi and Assessor Smith.

END OF EXECUTIVE SESSION

Councilman Waszkiewicz then offered the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 125 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted 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; the Executive Session ended at 12:16 P.M. on March 7, 2002. The regular portion of the Town Board meeting was immediately reconvened.

REPOSITORY – TOWN ATTORNEY RECORDS

Attorney for the Town, Vincent Rossi, Jr., had distributed a letter from former Town Attorney Gustave J. DeTraglia relative to Town records still in Attorney DeTraglia's position. After some discussion and to support the Town Board's January 1, 2002 Resolution, Councilman Backman introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 126 OF 2002)

RESOLVED that the New Hartford Town Board does hereby reaffirm Resolution No. 14, adopted January 1, 2002, wherein former Town Attorney Gustave J. DeTraglia, Jr. and Special Counsel John A. Longheretta were directed to turn over all pending files to Attorney Vincent J. Rossi, Jr.; and be it

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FURTHER RESOLVED that said Town Board does hereby redirect Attorney DeTraglia to turn over all Town files and cases, including all legal paperwork involving the William Clark lawsuit against the Town, to Attorney Vincent J. Rossi, Jr. not later than Friday, March 15, 2002, with the exception of the Carparelli Bros. and Cherrywood assessment grievance (certiorari) files that Attorney DeTraglia will temporarily hold, and that Attorney Longheretta is likewise directed to turn over all Town files and cases to Attorney Rossi not later than March 15, 2002.

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

ASSESSMENT GRIEVANCE (CERTIORARI) - SETTLEMENT

Upon recommendation of Attorney Rossi, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 127 OF 2002)

RESOLVED that the New Hartford Town Board does hereby agree to settle the following Certiorari proceeding brought against the Town of New Hartford for the amount(s) specified in the Stipulation and Order (Index No. 01-01617, RJI No. 32-01-0764) and as follows:

Franchise Realty Corp. (McDonald's)
Location of property: 3912 Oneida Street
Washington Mills, NY

<u>Tax Map No.</u>	<u>Initial Assessment</u>	<u>New Assessment</u>	<u>Tax Year</u>
339.016-1-45	\$625,000.	\$605,000.	2002.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Resolution was declared unanimously carried and duly adopted.

GRANT WRITER

The following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Butler:

(RESOLUTION NO. 128 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize Connie Miner to meet with the Town Board, Town Department Heads, a representative of the New Hartford Public Library and any other appropriate official in order to conduct a needs assessment relating to funding of projects through grants.

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.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 12:25 A.M. on March 7, 2002.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk