

**SPECIAL MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE TOWN SUPERVISOR'S OFFICE,
BUTLER MEMORIAL HALL, NEW HARTFORD,
ON WEDNESDAY, MARCH 28, 2002 AT 8:37 A.M.**

The Town Supervisor called the meeting to order at 8:37 A.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
(Arrived at 9:12 A.M.)
Supervisor Ralph B. Humphreys

ABSENT: Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Personnel Director Barbara Aiello
Town Clerk Gail Wolanin Young, CMC/RMC

Thereafter, a quorum was declared present for the transaction of business. Councilman Woodland was absent due to his full-time job.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Zone Map Amendment Application - Charles Sitrin Home

As a member of the Steering Committee on Planning, Highway Superintendent Cleveland initiated discussion on the Zone Map Amendment application submitted by the Sitrin Home, Tilden Avenue and which application (Local Law Introductory No. One of 2002) had been the subject of a Public Hearing on March 20, 2002. However, since Councilman Butler was expected to arrive by 9:00 A.M., the matter was suspended until his arrival.

NOTE: Councilman Butler arrived at the meeting at 9:12 A.M.

PERSONNEL ASSISTANT:

Appointment – Part-time Cleaners

After presentation by the Personnel Assistant, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 152 OF 2002)

WHEREAS, a vacancy exists in a Part-time Cleaner position due to the resignation of Edward Bowes effective April 1, 2002; and

WHEREAS, interviews have been conducted by the Town Police Chief and Personnel Assistant;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Paul Toti, 48 Benton Circle, New Hartford (P.O. Utica), NY to fill the vacancy as a Part-time Cleaner for the Jerome K. Madden Justice Building, Donovan Community Center Building and the Kellogg Road Community Center Building, effective April 1, 2002 at an hourly wage of Seven Dollars (\$7.00), payable bi-weekly, contingent upon a satisfactory background check.

Discussion ensued on contractual cleaning services versus hiring an employee; Councilman Waszkiewicz suggested the Town, in the future, consider contracting with Human Technologies which employ mentally/physically challenged individuals. Thereafter, a roll call vote ensued:

Councilman Waszkiewicz	-	Aye
(Councilman Woodland	-	ABSENT)
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

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

(RESOLUTION NO. 153 OF 2002)

WHEREAS, a temporary vacancy will exist in a Part-time Cleaner position due to medical leave for Lewis Smith effective April 5, 2002; and

WHEREAS, the upcoming vacancy had been posted, with no Town of New Hartford residents having applied for the temporary position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Edward Gorecki, 6042 Cavanaugh Road, Marcy, New York as a

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temporary Part-time Cleaner, effective April 1, 2002 for a maximum period of six (6) weeks, at the hourly wage of Seven Dollars (\$7.00), payable bi-weekly.

A roll call vote resulted as follows:

Councilman Waszkiewicz	-	Aye
(Councilman Woodland	-	ABSENT)
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

TOWN SUPERVISOR:

Employee Residency Requirement

A 1980 Resolution requires all future Town employees to be Town residents and Supervisor Humphreys questioned whether the Employee Handbook (AMTEK) adopted in 1999 superseded the 1980 resolution. This matter will be referred to Attorney Rossi for his review and recommendation.

Commercial Truck Traffic – Consumer Square Mall Construction

Barrett Paving trucks will be hauling very heavily into the Consumer Square Mall property via Seneca Turnpike (NYS Route 5) between 7:00 A.M. and 6:00 P.M. during the construction of the Mall and has asked whether the Town would object to their trucks returning “empty” via New Hartford Street, New York Mills. Highway Superintendent Cleveland noted, however, that New Hartford Street is a county road with Village (New York Mills) signage. Councilman Waszkiewicz prefers that commercial traffic utilize the roads provided for commercial traffic and not use local road; he preferred that Barrett Paving did NOT use New Hartford Street to return to the quarries and that, in the best interest of the New York Mills residents, the trucks return the same way they came. Because New Hartford Street is a county road, the Highway Superintendent stated the New Hartford Town Board had no jurisdiction and that Barrett Paving needed to contact the New York Mills Village Board.

Freedom of Information Law (FOIL) Application

With regard to a recent FOIL request for all correspondence generated by and received by a specific Councilman, the Town Supervisor expressed concern that his secretary might have to spend several hours monitoring an applicant who might want to review these documents. Councilman Waszkiewicz questioned whether the Town might set a precedent by having someone come in and have an employee sit and watch for an unknown number of hours. If a Councilman wants to meet with the FOIL applicant,

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O.K., but not an employee. Four (4) boxes of documents have been made available in the Town Supervisor's Office; if the applicant wishes to be more specific on their request, it could reduce the number of copies to be made and paid for. Councilman Waszkiewicz expressed his willingness to meet with the applicant at a time mutually agreed upon to review the documents.

Accounting Department Clerk - Replacement

Canvass letters had been sent by the Personnel Assistant to eight (8) candidates on the State Civil Service List to replace Janis Christofaro. No Town of New Hartford residents were on the eligibility list. Personnel Assistant Aiello expects responses to the canvass by April 5, 2002, at which time the Town Board will be kept apprised of the results.

Community Map

Consensus of the Town Board was to have the Town Supervisor proceed with updating the Community Map, including new officials, new phone numbers and extensions, and any other information which may need to be brought up-to-date. Because the cost of the map is paid through vendor advertising, there is no cost to the Town.

Zone Map Amendment Application - Charles Sitrin Home

At 9:40 A.M., discussion resumed on the Sitrin Home's Zone Map Amendment (ZMA) Application. Because the application may be incomplete, Highway Superintendent Cleveland recommended canceling the Public Hearing scheduled for April 3, 2002 and to begin the referral process again once the Town is assured it has received a complete application, including referral to the Town Planning Board, County Planning Department, and to all interested and involved agencies in accordance with SEQ. Agencies would include, but not be limited to, the Oneida County Department of Public Works, the Upper Mohawk Valley Regional Water Board, the New York State Health Department and the New York State Department of Environmental Conservation. After some discussion, Councilman Waszkiewicz moved that the Town Board close and terminate the March 20, 2002 Public Hearing that had been recessed until April 3, 2002 at 8:00 P.M. Conversely, comments were suggested to open the Hearing on April 3rd and immediately close it until further information is received from the ZMA applicant. Special Counsel Peter Rayhill believed action on April 3rd to close the Hearing may be more technically correct and he suggested that the residents be notified beforehand if the Town Board intends to open the Hearing on April 3rd and immediately close it until further information is received that will enable the Town Board to render a proper decision. Councilman Waszkiewicz amended his proposal for Board action and introduced the following for adoption, seconded by Councilman Butler:

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(RESOLUTION NO. 154 OF 2002)

WHEREAS, a Public Hearing had been conducted by the New Hartford Town Board on Wednesday, March 20, 2002 to consider the Zone Map Amendment Application for 208.8 acres fronting Higby Road, submitted by the Charles T. Sitrin Home; and

WHEREAS, said Public Hearing had been recessed until 8:00 P.M. on Wednesday, April 3, 2002; and

WHEREAS, in the best interests of the Town and its residents, the New Hartford Town Board is taking steps to ensure that the aforesaid Zone Map Amendment application is complete before proceeding further with the rezoning process;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby intend to continue the March 20, 2002 Public Hearing by re-opening the Hearing at 8:00 P.M. on Wednesday, April 3, 2002 and to immediately close the Public Hearing, thereby terminating the Hearing process until such time the Town has confirmation that the Charles T. Sitrin Home Zone Map Amendment application is complete, that the SEQR process has been initiated and the Town receives responses from all involved and interested agencies, including the Town Planning Board and Oneida County Planning Department; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, directed to forward written notification of the Town Board's intent to those property owners within a five hundred (500) foot radius of the Sitrin property.

The foregoing Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
(Councilman Woodland	-	ABSENT)
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Councilman Waszkiewicz expressed his intent to schedule a Neighborhood Meeting in the Kellogg Road Community Center Building on Tuesday, April 2, 2002 from 5:00 P.M. to 6:30 P.M. to address the zone map amendment process and the Town Planning Board's role in areas zoned as a planned development district; the Town Clerk will include this information in correspondence to residents who are to be notified that the April 3, 2002 Public Hearing will be re-opened and then terminated. Supervisor Humphreys suggested

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that Councilman Waszkiewicz invite a Town Planning Board Member to attend his April 2nd Neighborhood Meeting.

Further discussion with Special Counsel Rayhill included questions about activities and partial or total tax exempt status of those activities or land those activities are on, like housing; or perhaps if the Sitrin Home charged membership for the golf course -- Councilman Waszkiewicz feels these should be subject to taxes. Attorney Rayhill would have to review law.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Butler and seconded by Councilman Waszkiewicz, the meeting was adjourned at 10:43 A.M.

Respectfully submitted,

**Gail Wolanin Young, CMC/RMC
Town Clerk**

[NOTE: On May 15, 2002 the Town Board approved a change in part of sentence one of the paragraph immediately preceding **ADJOURNMENT**. Refer to the May 15, 2002 Town Board minutes for that change.]