

**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,  
APRIL 3, 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:** Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger A. Cleveland  
Parks and Recreation Director Michael Jeffery  
Personnel Director Barbara Aiello  
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**

Action on the March 20, 2002 Town Board minutes was deferred until the April 17, 2002 meeting.

**PUBLIC PRESENTATIONS**

**BEECHWOOD ROAD DRAINAGE PROJECT:**

Robin, Alexandra and Michael Kennedy, 9 Beechwood Road and Steven Appler of 11 Beechwood Road inquired about the status of the Beechwood Road drainage project that had been proposed in June 2001, expressing their concerns about possible flooding. Councilman Backman responded he had a preliminary conversation with Vincent Rossi, Jr., Attorney for the Town, about obtaining the necessary easements. Councilman Backman is desirous of conducting another informational meeting for the Beechwood Road property owners, particularly those on the odd-numbered side of that street at which time the engineering plans would be available for review and the Town's efforts described in fulfilling this project. Easements would be prepared and be available for execution by the property owners at the meeting to be scheduled some time in May 2002. In the event a property owner refuses to sign an easement, the Town Board will address the matter of condemnation to acquire the easement.

## **REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 2**

Highway Superintendent Cleveland stated the Town is also looking at making some improvements in the upper pond area, above Beechwood Road. The Kennedys complimented the Highway Superintendent on his efforts with this project, his willingness to talk and meet with them, and they believed the Highway Superintendent was "... between a rock and a hard place".

Councilman Backman stated the Town's Attorney would join the meeting at 8:00 P.M. and, if the residents had further questions, they could remain until Attorney Rossi arrived. The residents left the meeting.

### **NON-REGISTERED VEHICLES IN YARDS:**

Hugh Humphreys, Tibbitts Road, New Hartford, was present relative to the Town's law prohibiting non-registered vehicles in yards. He feels that having a car on the farm that he can run around with is handy, that the non-registered vehicle is for use on his property only and he doesn't want to register it for over-the-road use. Being a farmer engaged in milking – the up and down movement – his "... knees are shot" and he doesn't want to have to hide the vehicle on this property.

The Town Supervisor has discussed the matter with the Codes Enforcement Officer and the Town will investigate any possible changes for situations such as heretofore described. Mr. Humphreys said he wouldn't have a problem paying a fee to the Town to keep track of such vehicles.

### **RECREATIONAL VEHICLES IN RESIDENTIAL AREAS:**

Councilman Backman suggested the matter of RV's (Recreational Vehicles) being parked in yards could simultaneously be addressed. The Town's Code contains some restriction in this regard.

## **REPORTS OF TOWN OFFICIALS**

### **HIGHWAY SUPERINTENDENT:**

#### **Road Dedication - Sherman Oaks Drive**

Terrence Martin, Manager of the Sherman Oaks condominium complex, had reported to the Highway Superintendent that condo homeowners do own land outside the buildings so there could be a deed transfer from them to the Town. The possibility of the Homeowners' Association retaining responsibility for snowplowing had been discussed and the homeowners, through Mr. Martin, said this arrangement would be acceptable to them.

Sensitive to the issue, Councilman Waszkiewicz inquired whether acquisition of Sherman Oaks Drive could be structured so the cost of snow plowing is either handled by the Town through a contract with the current provider or have the cost borne by the

## **REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 3**

Homeowners' Association. Being concerned with the width of Sherman Oaks Drive, Councilman Woodland sought the Highway Superintendent's recommendation; Superintendent Cleveland has concern because some condo residents park their cars in the driveway with the rear of their vehicle in the road. Councilman Backman noted that the developer of this complex squeezed as many homes in as possible for a profit and then put in cow-path width roads; the buildings are so close that slush from vehicles could break windows. Councilman Butler is sensitive to this issue because the residents are taxpayers and he believed the Town Board should be consistent with the precedent set in accepting other non-standard roads. Councilman Backman believed that because the Town Board may have made a mistake in accepting some roads, i.e., the Chestnut Hills development, that the Town Board should not continue to accept sub-standard roads. He believed that in 1997 the Town Board chose not to accept Sherman Oaks Drive as a town road; the Town Clerk will research the 1997 Town Board minutes. Thereafter, the matter was deferred until Attorney Rossi joins the meeting at 8:00 P.M.

### **Water Resource Survey**

The Highway Superintendent submitted for Town Board review the water resource survey solicited by the Oneida County Environmental Management Council; he sought input from the Town Board in addition to his comments pertaining to Sauquoit Creek, Mudd Creek and Starch Factory Creek.

### **Vehicles and Traffic – Advisory Sign**

The Highway Superintendent informed Councilman Backman that the Oneida County Department of Public Works had installed a traffic advisory sign on Mohawk Street, south of Roberts Road, indicating multiple driveway entrances in the vicinity of a curve. Because of this signage, no further action of the Town Board is required.

### **Inter-municipal Effort - Drainage**

The Highway Department is working in concert with crews from the Utica Department of Public Works and Utica Parks Department to cause drainage improvements in the Roscoe Conkling Park. The reason for this cooperative effort is that the City of Utica does not own a grad-all that is required for this kind of work. There may be some consideration for financial reimbursement for the Town's efforts.

### **Curbside Collection Program Brochures**

The trash collection program fliers have been distributed to residents via the postal service.

### **Chas. Sitrin Home ZMA Application – April 2<sup>nd</sup> Neighborhood meeting**

Councilman Waszkiewicz thanked the Highway Superintendent for attending the April 2, 2002 Neighborhood meeting and for his assistance and input in answering questions on the zone map amendment process.

## **REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 4**

### **Chapman Road Improvement**

Councilman Waszkiewicz stated that Chapman Road has been submitted for funding under the TIPS program, as well as Higby Road between Valley View Road and the Utica City boundary line. Oneida County Department of Public Works Commissioner Williams suggested the City of Utica be petitioned to possibly contact their paving contractor for pavement improvements for that portion of Higby Road from the Town boundary to Oneida Street. Councilman Waszkiewicz will contact City Engineer Carson Sorrell and the Utica Mayor to see if these improvements can be made; however, he noted that none of these improvements will take traffic off the roads, only make travel smoother.

### **Sauquoit Creek Drainage Basin**

Councilman Waszkiewicz acknowledged that the Highway Superintendent and Whitestown Town Supervisor Matthew Shannon had been working on the Sauquoit Creek Drainage Basin and proposed cleaning and he inquired if a work schedule had been finalized. Highway Superintendent Cleveland will be meeting with Supervisor Shannon and will also contact Oneida County Planning Commissioner Michael Gapin on reviving efforts associated with Sauquoit Creek

**NOTE:** The Attorney for the Town joined the meeting at 7:55 P.M.

### **Ney Avenue stormwater drainage**

Councilman Waszkiewicz was looking into a cooperative effort with Utica College to resolve drainage matters along Ney Avenue, adjacent to the College Campus.

### **Drainage Swale – Tree Planting**

Councilman Waszkiewicz referred to Attorney Rossi a letter for his review concerning trees that may have been planted in a swale in the vicinity of 650 Pleasant Street, and asked that the matter be addressed at the April 17, 2002 Town Board meeting.

## **PUBLIC HEARING CONTINUED**

**8:02 P.M.**

**PUBLIC HEARING on Local Law  
Introductory No. One of 2002; Zone  
Map Amendment Application**

At 8:02 P.M. the Town Supervisor continued the Public Hearing that had recessed on March 20, 2002 relative to the Charles T. Sitrin Home Zone Map Amendment Application to zone 208.8 acres from RA-2 (Residential Agricultural) and LDR (Low Density Residential) to PDI (Planned Development Institutional). Supervisor Humphreys stated there would be no public input at this time as the Town is awaiting additional information from the project engineer, Donald Ehre, P.E. The rezoning process will resume when the zone map amendment

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 5**

application is complete, at which time the application will be referred to interested and involved agencies and the Town Planning Board. Adjacent property owners will be notified of a future public hearing. Thereafter, the Public Hearing was declared closed at 8:03 P.M.

**REPORTS OF TOWN OFFICIALS (CONT'D)**

**PARKS AND RECREATION DIRECTOR:**

**Parks and Recreation Summer Programs/Brochure - Survey**

The Parks and Recreation Summer Program Schedule has been mailed to Town residents and registrations have already been received for the various programs offered.

In addition, the Parks and Recreation survey for future recreation facilities has been mailed to Town residents.

**Appointment – Part-time Parks Laborer**

Upon recommendation of Parks and Recreation Director Michael Jeffery, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 155 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Edward Bowes, 9370 Cosmo Court, Sauquoit, NY as a Part-time, Seasonal Laborer for the Parks and Recreation Department, commencing April 8, 2002 at Seven Dollars and Fifty Cents (\$7.50) per hour, payable bi-weekly; Mr. Bowes work week shall not exceed twenty (20) hours per week for this position.

The Resolution was subject to a vote upon roll call 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.

**Competitive Bid/Funding - Donovan Memorial Park playground equipment**

The estimated cost of replacing playground equipment in the Donovan Memorial Park is \$45,500. Parks and Recreation Director Michael Jeffery identified the following potential sources for funding:

**REGULAR TOWN BOARD MEETING**  
**April 3, 2002**  
**Page 6**

<u>Source</u>	<u>Amount</u>
<i>State assembly member item Grant</i>	\$ 5,000
<i>The Community Foundation</i>	\$ 7,000
<i>Re-allocated Parks Department Funds</i>	\$13,300
<i>In-house employee expenses, Parks Department</i>	\$ 6,500
<i>*Re-allocated town-wide funds or bonding</i>	<u>\$13,700</u>
<b>Total</b>	<b>\$45,500</b>

\*After Town Board discussion, it was suggested re-allocated funds might be possible from the Contingency Account and the Board consensus was fulfillment of this project would be dependent upon all other funding being realized by the Town.

The following Resolution was offered for adoption by Councilman Backman and duly seconded by Councilman Butler:

**(RESOLUTION NO. 156 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford shall receive sealed bids for the purchase of playground equipment to be installed in the Donovan Memorial Park, in accordance with Town specifications. All bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Tuesday, April 30, 2002 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

**FURTHER RESOLVED** that the 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 Town Board voted upon 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.

**DIRECTOR OF SENIOR SERVICES:**

**Senior Citizens Services, Programs and Events**

Director Spellman had updated the booklet containing services, programs and events offered to senior citizens by the Town of New Hartford. Councilman Waszkiewicz

## **REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 7**

complimented Ms. Spellman on the brochure.

### **Roof Repair – New Hartford Adult Dining & Activity Center**

Councilman Waszkiewicz acknowledged the need for roof repair at this facility and the fact that the existing roof condition is affecting the area leased for activities of the New Hartford Adult Dining & Activity Center.

### **PERSONNEL ASSISTANT:**

#### **Grant Writer - Advertisement**

Relative to drafting an advertisement for a Grant Writer, the Personnel Assistant needs the proper title and salary range for this position. While the Oneida County Personnel Department is updating pertinent job activities at their level, the Town is to submit what they believe the job duties will involve and submit same to County Personnel who will determine the title.

Councilman Waszkiewicz will be meeting on April 17, 2002 with a local grant writer. He noted that grant writer Connie Miner will be in the area on April 23 and April 24, 2002 and could be available to meet with Town Department heads at no expense to the Town; the Board agreed that Department Heads should meet with Ms. Miner on either of the aforesaid dates.

#### **Procedural Checklist – New Employees**

The Board having reviewed the draft procedural checklist for hiring employees, Councilman Woodland introduced the following Resolution for adoption and Councilman Backman seconded same:

### **(RESOLUTION NO. 157 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby approve and establish the following procedural checklist for hiring employees, effective April 3, 2002:

#### **HIRING PROCESS - PROCEDURES**

- When a vacancy occurs, the Department Head should notify Personnel and provide a copy of the letter of resignation (if available). [Please try to obtain a letter of resignation prior to the last day of work.]
- Personnel will then notify the appropriate people of this vacancy, i.e., Payroll and Oneida County Department of Personnel.
- Personnel will report vacancy to the Town Board via vacancy report
- The Department Head/Personnel will request approval to start the hiring process to fill this vacancy, at the Town Board-approved wage.

## REGULAR TOWN BOARD MEETING

April 3, 2002

Page 8

- Personnel will send a vacancy notice to each building for posting.
- If the position is a Civil Service tested position, Personnel will contact Oneida County Personnel and request the list for canvassing. If the position isn't a tested position, the vacancy should then be posted on the Oneida County Personnel Website and on the Town's Website. All applications received should then be sent to Oneida County Personnel for pre-approval of qualifications. The Department Head should then proceed with the rest of the hiring procedures – setting up interviews, etc.
- Once the response deadline has passed (usually seven [7] business days from the date of canvass), a list of eligible/interested candidates will be forwarded to the appropriate Department Head. (New Hartford residents that apply will be brought to the Town Board's attention.)
- The Department Head will contact all eligible candidates to set up interviews. The Department Head will then notify the Town Board members of the interview dates/time so they may sit in on the interviews if they so choose.
- The Department Head will hold the interviews and obtain employment references from all eligible candidates and forward this information to Personnel.
- Personnel will contact previous employers for references and will forward a report to the Department Head and the Town Board.
- The Department Head will then compile and review all candidate information and narrow the selection down.
- The Department Head will then set up a second interview, if necessary, and will notify the Town Board of this date/time.
- Once a candidate is chosen, the Department Head will notify Personnel of the decision and Personnel will bring this to the Town Board for their final approval. (New Hartford residents that apply will be brought to the Town Board's attention.)
- A copy of the Town Board minutes showing the approval of the candidate needs to be forwarded to Personnel and Payroll immediately after the approval.
- The Department Head will contact the candidate and determine a start date. Personnel should then be informed of the start date.
- Upon the arrival of the new employee, this employee should be brought to Personnel so all appropriate paperwork can be filled out PRIOR to payday. Personnel will then see to it that Payroll gets all the property information to enter this employee in the payroll system.

Councilmen Backman and Butler complimented the Personnel Assistant on a job well done. Thereafter, a roll call vote was held and resulted as follows:

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



**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 9**

Councilman Backman - Aye  
Supervisor Humphreys - Aye.

Thereafter, the Resolution was declared unanimously carried and duly adopted. The Town Clerk will forward Memos to all Department Heads with a copy of the procedural check.

**Employees – Residency Requirement**

With regard to the January 1, 1980 Resolution requiring all future Town employees to be Town residents at their time of hire and the 1999 Employee Handbook adopted by Resolution wherein Section 402 stated the Town “..will give preference to qualified applicants who are residents of the Town”, Attorney Rossi responded that the Handbook adopted in 1999 is current and is controlling.

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

**(RESOLUTION NO. 158 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby amend, effective immediately, the Employee Handbook, prepared by AMTEK and adopted by the Town Board in September 1999, as follows:

**Employment Matters**

***402 Procedure for Filling Vacancies***

***Residency Preference*** – *In the event there is a vacancy in a new or existing position that the Town intends to maintain, the Town may give preference to qualified applicants who are residents of the Town*

and that the Personnel Assistant notifies all employees of this amendment and updates any Handbooks in inventory.

A roll call vote ensued:

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.

## **REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 10**

### **POLICE CHIEF:**

#### ***Sale of Alcohol to Under-aged Individuals***

As a follow up to the March 20, 2002 Town Board Resolution, Chief Philo submitted a draft letter to be forwarded to certain liquor licensees who had passed the Town's enforcement procedure. The Board reviewed the letter and gave its approval.

#### ***ATV Enforcement***

As soon as the weather breaks, the Police Chief said his Department will be ready to enforce all-terrain vehicle (ATV) operators in violation of existing law.

### **REPORTS OF SPECIAL COMMITTEES**

#### **TOWN PHYSICAL BUILDING FACILITIES COMMITTEE:**

William Virkler has volunteered to help the Committee systematically handle properties offered for sale to the Town for a municipal complex as far as real estate protocol is involved. Mr. Virkler doesn't want to be paid or be reimbursed for expenses. At the direction of the Town Board on March 20, 2002, the Town Clerk had contacted the State Comptroller's office that initially believed the question of a conflict of interest could be raised. Attorney Rossi will review Section 801 of General Municipal Law and render a decision.

#### **SAFETY COMMITTEE:**

The Safety Committee recommendations had been sent to Attorney Rossi for review; his comments will be forwarded to the Town Board.

### **MATTERS SUBMITTED BY COUNCILMEN**

#### **COUNCILMAN WASZKIEWICZ:**

##### ***Planner***

Councilman Waszkiewicz believed the Town needed a planner, whether it is part-time or a certified volunteer; he didn't believe a full-time planner is needed at this time. He had discussed planner services with the Oneida County Planning Department that provided him with a JOBMART brochure in which certified planners are notified of job openings. It was strongly suggested that if the Town hires a planner, to hire an individual who is certified.

Councilman Backman stated he definitely wants to address the planner situation. The Supervisor acknowledged that the Highway Superintendent would be scheduling a meeting with an individual who has planning experience. Councilmen Butler and Backman agreed that a full-time planner is not needed at this time but that the Town should look at who's available -- individual or company -- on an "on-call-basis" in

## REGULAR TOWN BOARD MEETING

April 3, 2002

Page 11

central New York. This person needs to be able to deliver and work on the Codes committee and fill this deficiency.

N. Joseph Yagey, Planning Board Chairman, said the Town Board doesn't know the number of hours and the number of projects that have come in the Town over the last year. At the same time, he agreed that a full-time planner is not necessary at this time. He suggested the Town Board might want to hire outside planning support when it's needed versus hiring someone for a specific number of hours each week and as the Town's needs arises -- the peaks and valleys. He touched upon the expertise of former Planner Jane Brouillette who was earning about \$45,000 when the Town abolished the Planner position, her role in planning matters and in the GEIS for the Seneca Turnpike-Commercial Drive area and the French-Burrstone-Champlin Avenue area. Before seeking planning services, the Town Board needs to address the level of planning support it wants.

Attorney Rossi felt strongly on this matter, quoting the old adage "... it's what you don't know that hurts you." The world of planning is a new discipline. Planning didn't exist until the 1920's and was felt unconstitutional at that time. After meeting with *peter j. smith and associates*, it was clear they have the academic training and experience in controlling growth of the town. It's one thing for a citizen like Chairman Yagey to dedicate his time, but when projects like Consumer Square, the Sangertown Mall expansion and now this GEIS (southeastern sector of Town), what the Town has is a blank slate in the Town -- empty space for building -- the Town has the most to gain and most to loose with top-notch planning. Unless the Town knows what it is planner can provide the Town, we're not in a position to decide whether \$35,000 is enough to pay a planner. A top-quality planner is a resource to the Town Planning Board, Highway Superintendent, Codes Enforcement Officer, Town Board, Town Clerk and would free the Highway Superintendent, a member of the Steering Committee on Planning, of these responsibilities. Attorney Rossi suggested that the Town contact other municipalities such as the Town of Colonie, areas around Buffalo, to determine who has a planner, what that planner has accomplished for the municipality, their mistakes, and their annual salary.

Chairman Yagey acknowledged that, in the absence of a Planner, a Steering Committee on Planning had been formed and the Highway Superintendent, appointed to this Committee, has been doing all the work; otherwise, it wouldn't get done. The former Town Board abolished the Planner position and the Town Board doesn't realize that he, as Planning Board Chairman, spends about fifteen (15) hours a week on planning matters. He stressed that it takes a planner and the outside source to perform a GEIS; former Town Planner Brouillette did this among her other duties and the Highway Superintendent confirmed this statement. Further, Chairman Yagey commented that he didn't know how much the Town Board pays Highway Superintendent Cleveland, but he

## **REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 12**

takes care of the planning and does it all, and the pay isn't enough for what he does in addition to his Highway Superintendent responsibilities.

Taras Tesak, former Zoning Board of Appeals Chairman for twelve (12) years, stated there's nothing better to assist the Planning Board and Zoning Board of Appeals than to have a planner to review matters before the application goes before either of the Boards.

### **PUBLIC PRESENTATIONS (CONT'D AT 9:25 P.M.)**

#### **SOLID WASTE COLLECTION POLICY**

At 9:25 P.M. Taras Tesak of 7 Crestwood Terrace expressed his concerns about household trash and the ways the trash is placed on the street. He was concerned with:

- Any commercial hauler can remove trash and there are seven (7) that he's aware of
- Different haulers on the street at different times of day, different days of the week
- Noise in the morning
- Brown paper bags with trash at the roadside don't stay contained – crows, dogs and the wind leave trash scattered
- No stipulation has to how trash is placed at roadside – containers
- Trash left at roadside that haulers will not pick up
- Who regulates street signs
- Who regulates “loose weight” signs on utility poles
- Who regulates garage sale signs, half of which never come down.

Mr. Tesak asked that a committee be formed to draft legislation to regulate haulers and how Town residents put out their household trash for collection. When Councilman Waszkiewicz inquired if Mr. Tesak could put his plan together and submit it to the Town Board, he responded that he wants the Town Board to form a committee and have him sit on it and offer recommendations. To Councilman Butler's question that he would want the Town to limit the number of haulers allowed in the Town, Mr. Tesak answered that a service needs to be provided, a need, a want and a price – the way to do it with trash haulers is to come in, put in a program and put it out to bid. Prices will go down. The Supervisor said the Town Board can't spend money when we're not buying trash or trash service. Upon suggestion of Councilman Waszkiewicz, the matter was referred to the Public Works Standing Committee who will meet with Mr. Tesak and come back to the Town Board with recommendations

Councilman Backman believed there's nothing worse than people who don't take care of their property; at the same time the Codes Enforcement Officer takes care of these property maintenance issues as well as garage sale signs on public property. Councilman

## **REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 13**

Backman was unsure if the Town could limit the number of haulers and take away the choice from people paying for the product.

### **MATTERS SUBMITTED BY COUNCILMEN (CONT'D)**

#### **COUNCILMAN WASZKIEWICZ:**

##### **NYS Route 12 Task Force**

An update and proposed Resolution on this matter was tabled until the April 17, 2002 Town Board meeting.

##### **Upper Mohawk Valley Regional Water Board (UMVRWD)**

Councilman Waszkiewicz is meeting with the UMVRWD on April 4, 2002 and he will report further at the April 17, 2002 Town Board meeting.

##### **Time limitation - outside completion of building projects**

It was the Town Board's consensus that this matter be referred to the Public Works Standing Committee that will meet with the Codes Enforcement Officer and the Highway Superintendent. Upon questioning of the Town Supervisor, Councilman Waszkiewicz believes other municipalities have enacted time limitations on the outside completion of building projects; however, he had no samples.

##### **Duplication of paperwork**

Councilman Waszkiewicz may have received duplicate copies of correspondence. Attorney Rossi stated his policy is to send copies of correspondence to all Board members. After speaking with the Town Clerk, she is taking the responsibility of photocopying and distributing them, thereby eliminating his secretary from this task.

##### **Employee Wellness Program**

Does town want Jim LaFountain to meet with employees about benefits of Wellness Program. Readdress in one month

##### **Telephone/ Web Site**

New Hartford School officials had talked with Councilman Backman and Supervisor Humphreys coordinator services. Councilman Waszkiewicz had been charged with checking out the DIGITAL TOWPATH program and found that it's not high speed. It's software to allow a municipality to create its own Web Site and it provides maintenance of the Web Site, technical assistance for the Web Site but a municipality still needs to have their own ISP to access the web.

Councilman Backman had met with New Hartford School officials last week and in the interim talked with other companies that provide consultant services on an annual basis. He will bring forth possibilities in near future.

## **REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 14**

### **At-Grade Signal – Wilbur Road Access/Old Campion Road**

Niagara Mohawk has contact the NYS Department of Transportation (NYS DOT) about their interest in an at-grade signal at the corner of Wilbur Road and the NYS Route 12 Arterial; they believe the signal would allow for rapid egress of Niagara Mohawk vehicles from their Old Campion Road facility and provide the Town residents along New Hartford Street with similar access.

Niagara Mohawk is also in favor of NYS DOT's proposal for Old Campion Road as well as the State's preliminary discussions that do not include right-of-way takings. The Niagara Mohawk property is currently land-locked and that corporation, in the future, may exercise their option to develop the currently undeveloped portion of their site, mainly that portion nearest Wilbur Road. Councilman Waszkiewicz has talked to Ramada Inn owner who suggested a traffic light at Lomond Place (at Arterial) to see if the Town Board wanted to promote that. Without a right-of-way, NYS DOT doesn't want to do anything.

### **South Woods Street Light District – Tax Levy**

Councilman Waszkiewicz had received a letter from financial consultant Patrick Tyksinski confirming his conversation with Dean Burth, Oneida County Real Property Services, advising the County about the South Woods Street Light District tax levy and refunds in February 2002 so that anyone performing a tax search would know that special district taxes would be collected in 2003.

### **COUNCILMAN BUTLER:**

#### **Beechwood Road drainage project**

Addressing Attorney Rossi, Councilman Butler stated that residents from Beechwood Road were present earlier in the meeting about the 2001 drainage project that didn't proceed because a Beechwood Road property owner had refused to grant a required easement. Councilman Backman reviewed his proposal to invite all affected Beechwood Road residents to a meeting to be tentatively scheduled in May April 2002; at that meeting facts on the existing situation would be presented as well as engineering drawings, and he wants easements prepared and submitted that evening for every property and those residents who want the program, sign it; if not, don't sign. And if a property owner withholds an easement, Councilman Backman wants the Town Board to direct Attorney Rossi to initiate action to condemn the property to secure the easement. Councilman Butler suggested that Attorney Rossi attend the meeting and review the time frame with the residents. Attorney Rossi stated there is a provision to take the easement and pay for it later; taking the easement and using it is a matter of forty-five (45) days – TOPS! Councilman Backman would like this flexible enough that people will agree – find out objections and see if Town can accommodate them; he doesn't want approval on condemnation now – that's the last resort. However, he did inquire if it comes down to

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 15**

condemnation, do I have Town Board consensus that the Town will condemn. The matter will come back to the Board after the neighborhood meeting.

**COUNCILMAN BACKMAN:**

**Property Maintenance – 120 Oxford Road**

Councilman Backman reported that the bank did foreclose on 120 Oxford Road and that the owner had paid their property taxes that had included the Town levy for lawn mowing services in 2001.

**Property Maintenance - 9 Kellogg Road**

Councilman Backman stated that the Town is awaiting Attorney Rossi's research of the Abstract of Title to 9 Kellogg Road and his advice as to how to proceed.

**Veterans Observances – Funding/Budgetary Transfers**

Councilman Backman acknowledged that the Town Clerk had contacted the State Comptroller's Office relative to the Clonan Post American Legion request that the Town purchase American Flags for display on utility poles from Memorial Day through Independence Day. The State Comptroller's Office confirmed that Town Law, Section 64[12] allows a municipality to appropriate up to Twenty-five Hundred Dollars (\$2500) annually for the proper observance of Independence Day, Memorial Day and Veterans Day, including the cost of flags. Thereafter, Councilman Backman offered the following Resolution for adoption and Councilman Waszkiewicz seconded same:

**(RESOLUTION NO. 159 OF 2002)**

**WHEREAS**, Town Law, Section 64[12] provides that a municipality may appropriate up to Twenty-five Hundred Dollars (\$2500) annually for the proper observance of Independence Day, Memorial Day and Veterans Day; and

**WHEREAS**, in past years the Town of New Hartford has appropriated the sum of One Thousand Fifty Dollars (\$1,050) for Veterans Services, Account No. A6510.4; and

**WHEREAS**, in preparing the 2002 Tentative, Preliminary and Annual Budgets, the former Supervisor did not appropriate funding for Veterans Services, Account No. 6510.4;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize the transfer of Two Hundred Sixty Dollars (\$260.00) from General Fund Contingency Account No. A1990.4 into General Fund Veterans Services Account A6510.4 to cover the cost of twenty-six (26) American Flags to be purchased by the American Legion Clonan Post 1000 and which American Legion shall be responsible for

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 16**

displaying and removing said flags from utility poles and storing the flags for use in fiscal year 2003.

A roll call vote ensued:

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.

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

**(RESOLUTION NO. 160 OF 2002)**

**WHEREAS**, Town Law, Section 64[13] provides that a municipality may appropriate up to Five Hundred Dollars (\$500) annually for each American Legion Post within its municipal boundary to assist in defraying maintenance of rooms for holding meetings of such Post; and

**WHEREAS**, in past years the Town of New Hartford has appropriated the sum of One Thousand Fifty Dollars (\$1,050) for Veterans Services, Account No. A6510.4; and

**WHEREAS**, in preparing the 2002 Tentative, Preliminary and Annual Budgets, the former Supervisor did not appropriate funding for Veterans Services, Account No. 6510.4;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize the transfer of Seven Hundred Dollars (\$700.00) from General Fund Contingency Account No. A1990.4 into General Fund Veterans Services Account A6510.4 to assist in defraying the cost of the annual maintenance for the American Legion Clonan Post 1000 and the New Hartford American Legion Post 1376 for fiscal year 2002.

The Supervisor polled the Board members who voted as follows:

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



**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 17**

Councilman Backman - Aye  
Supervisor Humphreys - Aye.

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

**Woodberry Swim Club complaints**

Councilman Butler had met with the Manager of the Woodberry Swim Club and Mr. Wasielewski relative to complaints expressed at the March 6, 2002 Town Board meeting, involving noise from use of the tennis board and other issues. Manager Edward Prue will apprise Councilman Butler when the Board of Directors of the Swim Club meets; the Manager indicated he would request that the Swim Club either remove the tennis board or possibly limit it to tennis use only, excluding lacrosse, hockey sticks, etc. which create more noise. Further, Swim Club employees will be asked to lock the tennis court gate when the facility closes at 8:00 P.M. Shrubbery had not been a Town requirement at the time the Swim Club was constructed.

**COUNCILMAN WOODLAND:**

**Neighborhood Meeting – Traffic Matters**

Councilman Woodland announced he would conduct a meeting with the Apple wood and Cherrywood Community residents on April 10, 2002 at 7:00 P.M. in the Kellogg Road Community Center Building. The N.Y.S. Department of Transportation had rejected the residents’ request for a traffic signal at the intersection of their communities with Seneca Turnpike (NYS Route 5).

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**AUDIT OF BILLS**

Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 161 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, which had been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 9/2002	\$ 40,449.85
General Fund, Whole-Town Abstract No. 10/2002	\$ 25.00
General Fund, Whole-Town Abstract No. 11/2002	\$ 5,860.00
General Fund, Part-Town Abstract No. 8/2002	\$ 83,579.45
Highway Fund Whole-Town Abstract No. 4/2002	\$ 13,562.93
Highway Fund Part-Town Abstract No. 8/2002	\$ 11,789.64

**REGULAR TOWN BOARD MEETING**  
**April 3, 2002**  
**Page 18**

Sewer Fund Abstract No. 7/2002	\$ 1,440.51
Salt Storage Barn Capital Abstract No. 2/2002	<u>\$ 68,950.00</u>
<b>TOTAL:</b>	<b>\$225,657.38</b>

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

**TRAINING SCHOOL – ZONING BOARD MEMBERS**

Upon recommendation of the Town Supervisor, Councilman Waszkiewicz offered the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 162 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; and

**WHEREAS**, on March 20, 2002 the request of three (3) Zoning Board members to attend the April 11, 2002 Tug Hill Conference had been approved, with the Town to pay the Twenty-five Dollar (\$25.00) registration fee for each Zoning Board member; and

**WHEREAS**, it was subsequently learned that the Conference registration deadline had ended on March 15, 2002 and that the late fee for registration after March 15, 2002 was Forty Dollars (\$40.00) per person;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct payment of the additional fee of Fifteen Dollars (\$15.00) for late registration each for Zoning Board members Gerald Green, Timothy Tallman and Frederick Kiehm, bringing the total registration fee to Forty Dollars (\$40.00) per person for the referenced Conference.

The Town Board voted upon roll call:

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

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 19**

Councilman Backman - Aye  
Supervisor Humphreys - Aye.

Resolution No. 162 was declared unanimously carried and duly adopted.

**COMMUNITY MAP**

Supervisor Humphreys inquired of the Board's interest in updating the Town map; the last update was in 1998, Town officials have changed and the supply of community maps has been depleted. The Town must supply the updated information and photos and supply the company with a list of businesses that they will solicit. The business advertisements will cover the cost of the community maps and there is no cost to the Town. Discussion included distribution of the maps to Town Offices and to the businesses that would advertise.

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

**(RESOLUTION NO. 163 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the update of the Town's community map through The Community Map Company, Pennsylvania, at no expense to the Town of New Hartford and which maps will be provided free of charge to Town residents.

Thereafter, the Supervisor requested a vote upon roll call:

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

Resolution No. 163 was declared unanimously carried and duly adopted.

**RETIREMENT – NEW YORK MILLS FIRE CHIEF RONALD ROMAN**

After a brief discussion on an appropriate presentation to former New York Mills Fire Chief Ronald Roman, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 164 OF 2002)**

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 20**

**WHEREAS**, Ronald Roman has been a member of the New York Mills Fire Department since 1967 and has retired as Fire Chief after serving in that capacity for the past thirty-two (32) years;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board, in recognition of the selfless dedication of Ronald Roman to the New York Mills Fire Department and the Village of New York Mills’ residents, does hereby authorize and direct the Town Supervisor to issue and to present a Proclamation to Ronald Roman on the occasion of his retirement on April 19, 2002.

A roll call vote ensued:

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.

**COMPUTERS - PC CONNECTIVITY TO THE AS/400**

After discussion about connecting departmental PC’s to the Accounting Department’s AS400 Computer, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Backman:

**(RESOLUTION NO. 165 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize twelve (12) new users to have access to and be added to the AS/400 with proper security, to include setting up client access on individual PC’s and end user training. The cost of said connectivity is estimated between Eleven Hundred Fifty Dollars (\$1150) and Eighteen Hundred Dollars (\$1800) and in no event shall exceed the latter amount. The cost of said connectivity shall be charged equally to the following accounts:

<u>Account No.</u>	<u>Department</u>	<u>Names of Users</u>
A1330.4	Receiver of Taxes	Hilarie C. Elefante, Receiver
A1355.4	Assessor	Paul Smith, Assessor Janet L. Halpin, Real Property Tax Service Aide
A1410.4	Town Clerk	Gail Wolanin Young, Town Clerk
A1440.4	Engineering	Roger A. Cleveland, Highway Superintendent

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 21**

A1460.4	Records Management	Candy Currier, Clerk
A5010.4	Highway Department	Gail Wolanin Young, Town Clerk Roger A. Cleveland, Highway Superintendent
A7110.4	Parks and Recreation	Candy Currier, Clerk Michael Jeffery, Director
B3120.4	Police Department	Maureen Owens, Clerk-Typist Raymond Philo, Police Chief
B4020.4	Registrar of Vital Statistics	Michelle Moran, Account Clerk
B8010.4	Codes Enforcement	Gail Wolanin Young, Registrar Gerald Back, Codes Enforcement Officer
B8010.41	Zoning Board of Appeals	Dolores B. Shaw, Sr. Account Clerk
B8020.4	Planning Board	Dolores B. Shaw, Secretary Dolores B. Shaw, Secretary.

Account Clerk Janis Christofaro believes the estimate for training is high and that she could write up the instructions and distribute the instructions to Department Heads, thereby saving money.

Thereafter, the Supervisor requested a vote upon roll call:

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

Resolution No. 165 was declared unanimously carried and duly adopted.

**1998 ENGINEERING SERVICES – 95 GENESEE STREET**

Supervisor Humphreys initiated discussion on an unpaid 1998 voucher submitted by Donald Ehre, P.E. for his inspection of the medical building located at 95 Genesee Street that former Supervisor Keiser had proposed be purchased for Town Offices. Apparently, the Town Board was not consulted when this expense had been incurred in June 1998. Former Comptroller Tyksinski held the voucher from payment; the former Supervisor didn't want it to come before the Board who hadn't authorized it. However, Supervisor Humphreys believed that Donald Ehre did perform the work and should be paid. After Town Board discussion, it was the consensus that the engineering report should be attached to the voucher.

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 22**

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

**(RESOLUTION NO. 166 OF 2002)**

RESOLVED that, upon the Town's receipt of the 1998 engineering report from Donald Ehre of his inspection of the 95 Genesee Street Medical Building for purchase and occupancy by Town Offices, the New Hartford Town Board does hereby authorize and direct Bookkeeper Carol Fairbrother to pay Mr. Ehre's voucher in the amount of Two Hundred Twelve Dollars and Fifty Cents (\$212.50) and that said expense be paid from the Town Supervisor's Contractual Expense, Account No. A1220.4.

The Board members voted upon roll call, which 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.

**FUND BALANCE TRANSFER - CONSUMER SQUARE ENGINEERING FUNDS FOR CLERK OF THE WORKS**

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

**(RESOLUTION NO. 167 OF 2002)**

**WHEREAS**, funds in the amount of Twenty Thousand Dollars (\$20,000) had been donated to the Town of New Hartford by Benderson Development Corporation in fiscal year 2000 for Engineering/Clerk-of-the Works expenses related to construction of the Consumer Square Mall; and

**WHEREAS**, at the close of fiscal year 2000 said funds had not been placed into a restricted account;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Bookkeeper Carol Fairbrother to transfer the balance of these funds out of the unappropriated fund balance and placed into a restricted account as follows:

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 23**

<i>Account A889</i>	Increase Restrict/Consum Eng	\$16,340.00
<i>Account A909</i>	Decrease Unappropriated Fund Balance	\$16,340.00.

A roll call vote ensued:

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 Butler seconded same:

**(RESOLUTION NO. 168 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the First Source/Soggs Certiorari proceedings (Assessment Grievance) brought against the Town of New Hartford.

A roll call vote ensued:

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. All persons present, including the news media, Town Clerk and Deputy Town Clerk were then excused from the meeting at 10:48 P.M.

*[NOTE: The following transcription was provided by Councilman Woodland on April 9, 2002.]*

**END OF EXECUTIVE SESSION**

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

**REGULAR TOWN BOARD MEETING**

**April 3, 2002**

**Page 24**

**(RESOLUTION NO. 169 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 11:35 P.M. and the regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting adjourned at 11:36 P.M.

**Respectfully submitted,**

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

[NOTE: On May 15, 2002 the Town Board approved Councilman Waszkiewicz's request to change the last sentence of the topic *At-Grade Signal – Wilbur Road Access/Old Campion Road* on page 14. See the May 15, 2002 Town Board minutes for that change.]