

**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 17, 2002 AT 6:00 P.M.**

The Town Supervisor called the meeting to order at 6:00 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:** Attorney for the Town, Vincent J. Rossi, Jr.  
Highway Superintendent Roger A. Cleveland  
Town Clerk Gail Wolanin Young, CMC/RMC

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

**PUBLIC PRESENTATIONS**

**PETER J. SMITH & COMPANY, INC.**

**ALTERNATIVES IN PLANNING FOR A SMART GROWTH STRATEGY:**

The following Planning Board members were in attendance for the presentation to be given by *peter j. smith and company, inc.*:

- N. Joseph Yagey, Planning Board Chairman
- Treva Wood
- Jerome F. Donovan
- Robert Wood

*peter j. smith and company, inc.* had been retained to perform a literature search of past studies within the southern and eastern sector of the Town) and to determine the scope and applicability of each as they relate to future growth. Eve Holberg, Planner with *peter j. smith and company, inc.*, noted that the Town had experienced significant commercial and residential growth in the southern and eastern portions of the Town that includes the Town's second largest commercial area, its largest undeveloped land area in addition to the last remaining working farms. County "rural collector" highways traverse the study area's hilly terrain. The study area also includes the Southern Reservoir that is a potential recreation or development asset. Ms. Holberg stated that a literature search had been initiated and that another part of their work had been to review and comment on twelve

## REGULAR TOWN BOARD MEETING

April 17, 2002

Page 2

(12) growth-related issues identified by the Town. The goal of this study is to evaluate these issues within the identified study area and to determine a more refined list of priority issues for further study and action. Issues such as transportation, drainage, stormwater run-off, domestic water supply, open space, etc. were reviewed. Interviews here held with Town staff, County officials, State officials and state elected officials. Four (4) public meetings were conducted to gather public input and identification of issues from the public sector, some of which included:

- stormwater management – runoff including minor temporary localized flooding
- Higby Road vehicular and truck traffic
- Oneida Street intersection/traffic
- public water supply
- Oneida Street-Kellogg Road-Chapman Road traffic flow issues

The character of portions of the study area is shifting from residential to commercial; future residential development in the area warrants modifications in the zoning code. Ms. Holberg stated matters considered in this study included a potential bypass highway connecting Route 8 with Route 5; the hamlet of Chadwicks; the Southern reservoir; potential funding mechanisms; ability of police and other town public safety organizations to handle increasing demands for coverage; view-shed preservation (beautiful view of valleys from these hills, making them desirable areas for residential development; agricultural preservation (fewer working farms than once were); development pressure.

peter j. smith stated that all communities change and will change and that the community must look at planning and how to plan for change. Since 1975, the Town of New Hartford has dramatically changed; he alluded to the Sangertown Square Mall and the Commercial Drive development. It's important to plan for development for the next twenty-five (25) to fifty (50) years. Planning **OPTIONS** were discussed, including the advantages, disadvantages and estimated costs for the following options:

- No action
- **GEIS**
- Specific Area Plan with Zoning
- **GEIS** with Specific Area Plan and Zoning
- Series of Planning and Engineering studies and projects

peter j. smith reviewed **RECOMMENDATIONS:**

- Incorporate Smart Growth principles and plan for the future comprehensively and for quality of life
- Adopt planning option 4: commission a **GEIS** that includes specific area plans for key districts within study area

## REGULAR TOWN BOARD MEETING

April 17, 2002

Page 3

- Examination of issues within Study Area in context
- Results in a formula-based schedule for mitigations of specific impacts determined case-by-case based on existing and threshold capacity
- Estimated cost between \$350,000 - \$400,000
- Re-examine Fees in Lieu of Mitigation (**FILM**) mechanism, alter it according to the specific conditions that emerge in the study area and devise a strategy it can use to determine development rights

### Planning for Change

- Smart growth =
- A holistic approach =
- Understanding issues and problems =
- An umbrella research of all issues of the area and how they interact =
- A **GEIS** approach =
- Controlled change/quality of life

Councilman Backman inquired about the purchase of development rights regarding farm land that won't be used in the future as farm land, whether it could be blended in, and how it could be implemented. In the RA, Residential Agricultural, zoned districts, there are three (3) working dairy farms and one (1) tree farm in the southern section of town. He was concerned what would occur if these farm owners decided to stop operation and sell off their land. He suggested looking at a PDR zoned district – residents know change will be inevitable; would like to see Option 4 and explore this.

Ms. Holberg responded; hopefully the Town Board would have done something before that. She explained the Town would have to purchase the land to control it; farmers transfer the right to develop to the Town and hold it as an easement, after which a financial arrangement is worked out and farmers stay on farm but don't deal with developers offers. This is a delicate balance because the community is being asked to defray community growth and preserve open space. Can be purchased outright, can have tax abatement – being done both ways.

peter smith advised that PDR can be expensive – although a better tool. Agricultural planned development allows a farmer to treat the farm like a master plan; the best farming land is retained for that purpose and traded off for development rights with deed restrictions. There is no cost to the community; this would be done through Zoning.

Councilman Backman mentioned the liquid manure (slurry) issue that arose several years ago – people need to be aware that they must put up with smells, odors, and trappings of farming – clash of allowed uses in a district. The State Agriculture and Markets Law permits a farmer to produce slurry for distribution on crop fields.

## REGULAR TOWN BOARD MEETING

April 17, 2002

Page 4

peter smith noted that performance standards – light, noise and odor levels – can be written into zoning laws and subdivision regulations. In some communities where commercial activity is near a residential neighborhood, standards have been adopted to control the hours of operations, light and noise levels from the business establishments.

Vincent Rossi, Attorney for the Town, agreed that the State Department of Agriculture and Markets allows liquid manure, etc. for operating a farm; however, when the farmer starts subdividing his land, these regulations go by the wayside.

The highest priority of Councilman Backman is the business district involving Oneida Street and Kellogg and Chapman Roads. Councilman Waszkiewicz asked about the Southern Reservoir, and suggested the Town might want to receive resident input; this matter has already been addressed by the Parks and Recreation Department survey that had been mailed to Town residents, said Councilman Backman.

Supervisor Humphreys commented that the Town's Zoning Law was adopted with various zoning classifications and everything is fine until a property owner wants to change their zoning category. There is much vacant farmland and the owners are paying taxes but no one else is interested in running the farm and they can't do anything with it. There are "no takers" and land just sits there. People – some – are happy because of the wildlife, etc. but it's not so good for the owner.

peter smith responded that this is a problem in many communities, even transitional communities. Not all lands of farmers are contiguous. You should look at preserving the best quality land – non-renewable resource.

Councilman Butler suggested the Town should re-examine **FILM**; he understands what Councilman Backman said and understands that most of this area is represented by Councilmen Backman and Waszkiewicz. He questioned whether within a **GEIS**, could the Town have more than one formula for determining fees; or if a **GEIS** is done in this area, is **FILM** mandatory. Councilman Butler questioned whether there was more than one formula for residential versus commercial, or among commercial properties depending upon the size of the development.

peter smith - no one knows – the **GEIS** is a separate entity – a planning tool. The Town has **FILM** and you've used **GEIS** before to support it. We can build an argument that supports it [different formulas] but there's a different, more rationale tied to the **GEIS**. The **GEIS** determines a base level of impact, that everyone gets an impact level based upon size of property. If exceed – depending on what – mitigate particular areas of concern. **GEIS** creates rationale to use the **FILM**; can have different formulas.

## REGULAR TOWN BOARD MEETING

April 17, 2002

Page 5

Planning Board Chairman Yagey cautioned that **FILM** be applied evenly across the whole project; otherwise, the Town could end up in court.

Addressing Councilman Butler's question – commercial formula versus residential formula, Attorney Rossi inquired if there is criteria to apply to a residence that wouldn't be applied to a commercial structure, like a swimming pool, etc.

Highway Superintendent Cleveland answered that the Town's **FILM** schedule is different for residential than it is for commercial development.

Councilman Backman questioned what mechanism triggers a new highway and if it's determined in a certain area. A **GEIS** was been done in another business corridor of the Town and that development in that **GEIS** area is impacting the southeastern area of the Town through feeder veins; he questioned whether the Town could divert money to build new roads to alleviate this.

peter smith – impacts outside specific **GEIS** area – transportation and how they interact – use money outside the **GEIS** area. It might be difficult but he was not absolutely sure. Who are the participants – if county or state road, guide those participants to do something outside the **GEIS** area.

Relative to new residential developments, Councilman Backman inquired how the Town would make the developers pay for what they're putting in and the developments impact on existing systems.

peter smith – the Town would include future residential areas in the **GEIS**.

Councilman Woodland believed that the Town Board needs to come to a consensus about the direction in which it wants to proceed; what scope do we need to do? That's something we need to decide and go forward with.

Councilman Waszkiewicz believed peter smith said it best – first answer the question, why do you want to grow and what do you want to achieve with this growth. Yes, I want to grow for our Town and our region – we need to grow and offer benefits and our region will grow. He didn't know the answer of where we want to be; at the same time he suggested the Town Board should have some internal conversation with the Planning Board about where we want to be.

Planning Board Member Jerome Donovan – in terms of financing a **GEIS**, he suggested inquiring whether other levels of government would assist the Town in funding the study

## **REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 6**

– because County roads (Kellogg, Chapman, Roberts, Higby) and improvements would benefit Oneida County. Mutual benefits, could be state highway for that matter.

Councilman Waszkiewicz said he had addressed this question with the Oneida County Executive and the Oneida County Planning Department that have been cooperative in offering staff assistance for monetary funding, but the Town must approach the legislators for a definite answer. Perhaps the Town of Frankfort might like to assist because they could benefit **[Note: See last page for reference to an amendment approved June 5, 2002.]**

Jerome Donovan – if the Town didn't go the private development route and provide compensation and then tried to go the zoning route to restrict growth, what's case law on the taking?

Attorney Rossi – in law school talked about bundle of sticks, easement might be couple sticks and development rights more of sticks, property rights aren't black and white – it's an aggregation of things in the land. Where do regulations of land become unreasonable for property owner?

Supervisor Humphreys suggested a joint Town Board-Town Planning Board meeting for additional input before an option is selected. **The presentation ended at 7:24 P.M.**

At 7:30 P.M. the regular meeting continued with the following Town Officials and Department Heads now present:

**OTHER TOWN OFFICIALS:** Assessor Paul E. Smith  
Personnel Assistant Barbara Aiello  
Deputy Town Clerk I Margaret M. Jones

### **PUBLIC PRESENTATIONS (CONT'D)**

#### **FUNDING - RUNAWAY AND HOMELESS YOUTH PROGRAM:**

Bonnie Joslin, Director of Youth Services for Mohawk Valley Community Action briefed the Town Board on the purpose and goals of the Runaway and Homeless Youth Program and the agency's request for funds. The Program began about twenty (20) years ago and its needs have grown since then; the Program operates twenty-four (24) hours per day, seven (7) days a week. Runaway and homeless youths experience a lot of pressure – peer problems at school, suicide tendencies, family divorce, deaths in family, pregnancy, abuse and neglect, lack of communication, and learning disabilities. The agency aims toward reunification of families and acts as family mediators. In 2001, four (4) youths from the Town of New Hartford received benefits from the Program. Forty (40%) percent of their funding is received from the State, twenty (20%) percent from local funds (United Way, etc.), and another twenty (20%) percent from private donations, with the

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 7**

balance received from Towns. Ms. Joslin requested Twenty-five Hundred Dollars (\$2500) for buying a contract for the Program services. The Town has budgeted this amount for several years and the amount is usually based upon the percentage of youth in the community.

Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 170 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby agree to enter into and does hereby authorize and direct the Town Supervisor to execute a contract with the Mohawk Valley Community Action which will provide services to New Hartford youths-in-need through the Runaway and Homeless Youth Program during fiscal year 2002 at an annual contract sum of Twenty-five Hundred Dollars (\$2500); and be it further

**RESOLVED** that, prior to execution of said Contract, Attorney for the Town Vincent J. Rossi, Jr., shall review same; and be it further

**RESOLVED** that the contract sum of Twenty-Five Hundred Dollars (\$2500) shall be charged against General Fund Account No. AA8990.4, as budgeted.

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.

**GREEN WASTE – ROAD SHOULDERS:**

Jerome Donovan strenuously urged the Board to address the issue of green waste deposited on road shoulders and/or in the roadway. Not only do neighborhoods become unsightly by this debris, at the same time pedestrians and motorists are forced to go around the obstacles. Mr. Donovan complimented the Highway Department for their hard work cleaning roads during the past weeks. Despite the trash brochure having been mailed to residents, people start putting out garbage before the pick-up date and are not in compliance with town regulations. He feels that contractors should be cited as well as property owners.

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 8**

Councilman Backman stated that when the green waste is in the road it is a clear violation of Town policy and people should be given strict instructions to remove the waste or be fined.

**REPORTS OF TOWN OFFICIALS**

**ASSESSOR:**

**Annual re-assessment Program**

Assessor Paul Smith briefed the Town Board on the 2001 re-assessment of commercial and residential properties. The State seems satisfied with the Town's action. The Assessor's Office is trying to make everything equitable and anticipates re-assessing about sixteen hundred (1600) parcels per year. The tentative assessment roll will be delivered to the County on April 22, 2002. The week of May 1<sup>st</sup>, Notices of Change of Assessment will be mailed to all property owners who have a change (up or down) in assessment. Michael Maxwell will be available to meet with property owners prior to the May 28, 2002 Grievance Day.

**DIRECTOR OF SENIOR SERVICES:**

**Training School**

Upon request of Director of Senior Services Eileen Spellman, the following Resolution was presented for adoption by Councilman Waszkiewicz; seconded by Councilman Butler:

**(RESOLUTION NO. 171 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 M. Eileen Spellman, Director of Senior Services to attend the "Aging Concerns Unite Us" Conference on June 4 and June 5, 2002 in Syracuse, New York, with expenses to be borne by said Town as budgeted.

The vote taken was as follows:

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

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 9**

Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

**TOWN CLERK:**

**Permit - Carnival**

The Town Clerk reported that the Home Depot application to sponsor a carnival is in compliance with Town Code, Chapter 44, Mass Assembly of Larger Number of Persons. Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 172 OF 2002)**

**WHEREAS**, on April 1, 2002, the Town Clerk received an application from The Home Depot for permission to conduct their annual Carnival, May 1-May 5, 2002,

**WHEREAS**, the Codes Enforcement Officer and Town Police Chief have reviewed said application and find the contents therein to meet Chapter 44 of the Town Code,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of New Hartford does hereby approve The Home Depot application to conduct a Carnival upon their French Road premises, May 1-5, 2002, and the Town Clerk be, and she hereby is, directed to issue the permit under Chapter 44 (Assembly, Mass Public) of the Town Code.

The Supervisor polled the Town Voting Machines Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**- Request for Use**

Upon recommendation of the Town Clerk, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 173 OF 2002)**

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 10**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to New York Mills Union Free School for the use of two (2) Town voting machines for their May 21, 2002 School Budget/Elections with the stipulation that transportation and set-up of the machines be arranged through Town Voting Machine Custodian Michael W. Jeffery and at no expense to the said Town.

Upon roll call the board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**HIGHWAY SUPERINTENDENT:**

**Consumer Square Mall Construction – “Dust”**

The Highway Superintendent told Councilman Waszkiewicz that he had received the Memo on the Royal Brook Lane dust matter. Highway Superintendent Cleveland has contacted Al Swierczek, P.E. who will discuss this matter with the Benderson Development Corporation and then report to the Town.

**Competitive Bid Results – Stainless Steel Sander Boxes**

The following bids were received on April 12, 2002 for three (3) sander Boxes:

Tarrant Manufacturing Company, Inc.	-	\$19,440.00
Tracey Road Equipment	-	\$68,541.00
Utica Mack, Inc.	-	\$19,047.00
Roberts Equipment		
Bid # 1	-	\$7,110.00 each (\$21,330.00 Total)
Bid # 2	-	\$6,868.00 each (\$20,604.00 Total)
Bid # 3	-	\$7,110.00 each (\$21,330.00 Total)

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 11**

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

**(RESOLUTION NO. 174 OF 2002)**

**WHEREAS**, the Town Superintendent of Highways did on the 17<sup>th</sup> of April 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 County Superintendent of Highways, three (3) stainless steel sander boxes as per Town specifications, from Utica Mack, Inc., Route 49, Box 9, Marcy, NY 13416, for a maximum aggregate price of Nineteen Thousand Forty-Seven Dollars (\$19,047.00), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, approximately ninety (90) days after the order is received. A contract for the item(s) purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vender and when approved by the County Superintendent, 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 Nineteen Thousand Forty-Seven Dollars (\$19,047.00) 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 Resolution was declared unanimously carried and duly adopted.

**Competitive Bid – Release of Bid Security Deposit**

Upon recommendation of the Highway Superintendent, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 175 OF 2002)**

**WHEREAS**, the Town Board received bids on April 12, 2002 for three (3) stainless steel sander boxes with spreaders; and

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 12**

**WHEREAS**, on April 17, 2002, the Town Board accepted the low bid submitted by Utica Mack, Inc. and awarded the purchase contract to said vendor;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Clerk to return the Bid Bonds submitted by the following unsuccessful bidders:

- Roberts Equipment
- Tarrant Manufacturing Company, Inc
- Tracey Road Equipment.

The Resolution was voted upon by roll call, resulting 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 duty adopted.

**Sherman Oaks Drive – Proposed dedication**

Councilman Waszkiewicz was of the understanding that it is not appropriate for a municipality to dedicate a road and then bind the residents to do the plowing; as such, he could not support action to make Sherman Oaks Drive a public road. Councilman Woodland also shared that stand. While Councilman Backman expressed empathy for the Sherman Oaks residents, he stated they bought their condos, they knew it was private and would need to contribute money to road maintenance. Councilman Butler stated that the Town maintains roads in the Chestnut Hills development, off Oneida Street. The Town Supervisor stated that, years ago, the Town made a mistake and a precedent should not be set. Highway Superintendent Roger Cleveland stated that the Sherman Oaks Homeowners Association had provided a metes and bounds description of the road area in the event it was accepted as a public road. Councilman Backman stated that due to the narrowness of streets and closeness of the buildings to the road, he could not agree to this dedication. Councilman Butler moved that the Town move forward with the process of dedicating Sherman Oaks Drive as a public road; and if it's dedicated, apply to the State Department of Transportation for a variance relating to the road width. The Town Supervisor asked if there was a second to the motion. There was no second to the motion and the motion died.

Councilman Waszkiewicz requested that the Highway Superintendent send a letter to the Homeowners Association explaining the Board's position.

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 13**

**Brookside Heights – Storm Drainage Easement**

With regard to a Warranty Deed for a storm drainage easement, the Highway Superintendent stated the Town does not have adequate information to recommend acceptance of this easement. Reference was made to a map, but the map was not provided; the proposed easement relates to a Brookside Heights portion of the Valmanvar Corporation Subdivision. Highway Superintendent Cleveland identified a second issue – a 60' x 60' easement at end of Brookside Terrace that had been conveyed to the Town, but the Highway Superintendent could not find any information on it. The Highway Superintendent will research this further and have Attorney Rossi review the documents.

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

**(RESOLUTION NO. 176 OF 2002)**

**WHEREAS**, Valmanvar Corp. has proposed to convey a storm drainage easement to the Town of New Hartford in connection with the Brookside Heights Subdivision, owned by Valmanvar Corp.; and

**WHEREAS**, the Town had not received all documents referred to in the proposed drainage easement; and

**WHEREAS**, upon receipt of all necessary documents from Valmanvar Corp. and/or their Attorney Herbert Cully, and upon review of said documents and recommendation from Vincent J. Rossi, Jr., Attorney for the Town of New Hartford, that these documents have, in fact, been received and are in order;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of New Hartford does hereby accept the storm water drainage easement identified in the Warranty Deed dated March 19, 2002; and upon receipt of written confirmation from Attorney Rossi that all documents have been received and are proper, does hereby authorize and direct the Town Supervisor to sign Form TP 584 [Combined Real Estate Transfer Tax Return and Credit Line Mortgage Certificate], and does further authorize and direct the Town Clerk to record all requisite documents in the Oneida County Clerk's Office; said easement being described as follows:

**STORM DRAINAGE EASEMENT**

**ALL THAT PIECE OR PARCEL OF LAND** situate, lying and being in the Town of New Hartford, County of Oneida and State of New York, and being more particularly described as follows:

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 14**

1. Beginning at a point, said point being labeled as “P.O.B. Parcel “B” on the “Map of Property – Brookside Heights Subdivision – owned by Valmanvar Corp.”, dated June 20, 1988, as prepared by Mr. Anthony R. DeNigro, LS#49261
2. Thence; S 42 degrees 01’20” W, a distance of 27.00 feet, more or less, to an angle point;
3. Thence; S 09 degrees 00’00” E, a distance of 100.00 feet, more or less, to an angle point;
4. Thence; N 81 degrees 00’00” E, a distance of 80.00 feet, more or less, to an angle point;
5. Thence; N 09 degrees 00’00” W, a distance of 88.34 feet, more or less, to a point lying on the easterly line of Parcel C;
6. Thence; S 42 degrees 01’ 20” W, along said easterly line of Parcel C, a distance of 19.27 feet, more or less, to an angle point;
7. Thence; N 56 degrees 12’ 25” W, along the southerly line of Parcel C, a distance of 60.00 feet, more or less, to the point, or place, or beginning.

Containing 7763 square feet, or 0.1783 acres, more or less, and being subject to all easement or covenants of record.

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 Supervisor declared the Resolution unanimously carried and duty adopted.

**Appointments – Part-time Highway Laborers**

Upon the recommendation of the Highway Superintendent, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 177 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby appoint John Kelly, Wayne Smoulcey and Thomas Panzone, Jr. as Part-time, seasonal Laborers for the Highway Department effective, April 22, 2002, at an hourly rate \$7.75, payable bi-weekly.

Upon roll call, the Board members voted as follows:

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 15**

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

The Supervisor declared the Resolution unanimously carried and duty adopted.

**Applewood Pump Station**

The Highway Superintendent apprised the Board that the Applewood sewage pump station has been incapable of handling excess water during the past six (6) to twelve (12) months and raw sewage has spilled over. The situation occurs more during heavy rain periods and Highway Superintendent Cleveland is close to asking the Board to declare this matter an emergency situation as it could be a potential health problem. Highway Superintendent Cleveland explained that he has been in touch with the two (2) or three (3) property owners that are affected by this situation. The Highway Department will try to determine if there are any breaks or if the lines could be plugged. One problem could be that there may be extra water coming in – ground water or surface water. The 2002 Budget has appropriations for sewer repair; and because the project cost would be less than Ten Thousand Dollars (\$10,000), competitive bid is not required.

**Traffic Signal – Applewood Community/Route 5 Intersection**

A meeting with Applewood Community residents had been sponsored by Councilman Woodland on April 10, 2002, regarding traffic issues at the intersection of the Applewood-Cherrywood Community intersections with NYS Route 5 (aka Seneca Turnpike) and the determination by the State Department of Transportation that a traffic signal was not warranted. Having attended the April 10<sup>th</sup> meeting, the Highway Superintendent presented the following Resolution for the Board's consideration. Thereafter, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 178 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Roger Cleveland, Highway Superintendent, to send to the Town's Representatives in the New York State Senate and Assembly, a letter seeking their assistance in getting a traffic signal installed at the Cherrywood-Applewood/Route 5 Intersection.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
------------------------	---	-----

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 16**

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

The Supervisor declared the Resolution unanimously carried and duty adopted.

**Green Waste – Road Shoulder**

Highway Superintendent Cleveland reported that he has received a letter from Jerome Donovan and Terry Milroy regard the green waste on road shoulders. The complaint is that residents are putting green waste on the road shoulders or even in the road as soon as the Town has come through and picked up the waste that had previously been placed there.

**Traffic Signal - Middlesettlement Road & Twin Orchards**

Councilman Waszkiewicz had received a constituent complaint from Nadine Fornino about the timing of the traffic signal at the intersection of Clinton Street (Twin Orchards) and Middlesettlement Road and the length of time she’s forced to stop each morning on her way to work. The Highway Superintendent explained that the intersection is under construction by Oneida County and the timing of the traffic light is probably out of sequence during the construction phase and that its normal sequence will probably be adjusted after construction is complete. The road contractor and Oneida County control traffic lights during construction.

**Parking Complaint – Ruth Avenue**

Regarding the constituent complaint about the manner of vehicular parking on Ruth Avenue received by Councilman Butler, the Highway Superintendent had made numerous attempts to contact the complainant but to no avail.

**Blind Driveway – Terrace Hill Drive**

Councilman Butler had received a request for a BLIND DRIVEWAY sign to be erected near the first driveway on the right side of Terrace Hill Drive. He will provide the name and address of the resident to the Highway Superintendent for his on-site inspection.

**Green Waste – Enforcement; Elderly & Disabled**

Councilman Backman suggested that the Town publish an article to remind residents that green waste cannot be deposited in the road or on the road shoulder. Upon receiving an initial complaint, the Police Department should offer the person an opportunity to remove the green waste; failure to remove the green waste, or continuation of depositing green waste in the road area, would result in issuance of a ticket.

## **REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 17**

Looking at the intent of the Town's green waste policy and in an effort to serve all residents equally, Councilman Backman believed the Town should re-address green waste cut by a contractor for an elderly or disabled Town resident and deposited at curbside; further, the Town should consider instituting some sort of relief mechanism by which the Town can pick up green waste in such cases. However, in the case of green waste brought into the Town of New Hartford by a contractor, perhaps the Town needs to amend its Local Law and cite contractors who violate the law. Supervisor Humphreys suggested that Police Chief Philo or Lt. O'Neill be contacted about enforcement matters. Highway Superintendent Cleveland suggested having landscape contractors register with the Town so the Town knows where they are working. Councilman Waszkiewicz suggested the matter be referred to the Public Works Standing Committee in order to develop a fair way to deal with this problem; perhaps a resolution should be adopted stating that the contractors are to take their green waste away. Councilmen Butler and Backman and the Highway Superintendent Cleveland will review the Town's garbage, rubbish and refuse program.

### **Solid Waste Collection**

The Town Supervisor has discussed with Hans Arnold of the Oneida-Herkimer Counties Solid Waste Authority the possibility of dividing the Town into four (4) sections and then proceed with competitive bid for solid waste collection in each of the four (4) sections. While the result could be four (4) different garbage haulers, the collection in each section of Town would be on a particular day of the week. The consensus of the Board was to at least explore this possibility. Councilman Butler's concern is that the smaller companies might be put out of business if this happens. Councilman Woodland inquired as to whether the assessed value of a resident's home would influence the cost that would be charged to a particular homeowner. Councilman Woodland would like to see the rate fair across the board. Supervisor Humphreys will discuss this further with Hans Arnold.

### **ATTORNEY FOR THE TOWN:**

#### **Funding – Runaway and Homeless Youth Program**

Attorney Rossi had reviewed and approved the Contract for youth services to be provided by Mohawk Valley Community Action.

### **REPORTS OF SPECIAL COMMITTEES**

#### **TOWN PHYSICAL BUILDING FACILITY REVIEW COMMITTEE:**

Councilman Waszkiewicz thanked the Supervisor for attending today's Committee meeting. After receiving two (2) rulings from different agencies/offices recommending that he remove himself from volunteering in this real estate matter because it might be a possible conflict, William Virkler (Town Justice and a realtor) has tendered his resignation.

## **REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 18**

Councilman Waszkiewicz inquired whether the Committee should consider partial consolidation as a possibility. At the request of Councilman Waszkiewicz, the Town Clerk reviewed the proposed time line for a mandatory referendum. The intent of the Building Facility Review Committee is to submit their final recommendation by the June 5, 2002 Town Board meeting. If the Town leans toward total consolidation of offices, perhaps the Town might consider a campus-like setting.

### **MATTERS SUBMITTED BY COUNCILMEN**

#### **COUNCILMAN BACKMAN:**

##### **Beechwood Road Drainage Project**

Councilman Backman, the Highway Superintendent and Vincent Rossi, Jr., Attorney for the Town of New Hartford, are preparing for a neighborhood meeting to address the Beechwood Road drainage matter during the third week of May 2002.

##### **Traffic Study - Roberts Road**

Not having heard from the NYS Department of Transportation about their calculations, field studies, etc. used to deny a lower speed limit along Roberts Road, Councilman Backman requested that this matter be added to all future Town Board meeting agendas until the State responds.

##### **Property Maintenance - Kellogg Road**

The property at 9 Kellogg Road is a deplorable situation -- either way the Town loses. Councilman Backman would like to see someone buy the property and refurbish it, keeping the property on the assessment/tax rolls. No action was taken to demolish the dilapidated residential structure.

##### **Trash "Cop" - Advisor**

Since the Town hadn't received any employment applications for the part-time Trash Cop position, Councilman Backman questioned the Town's position. Highway Superintendent Cleveland suggested that, in cases of violation of the garbage, rubbish and refuse legislation, a Town employee should first contact the individual personally, or by a door-type hanger notice. With the number of violations expected, the Highway Superintendent and his Deputy believe they can handle the problems this year and then the Town can re-evaluate this matter in 2003.

##### **Blinking Light - Chapman Road**

Upon inquiry of Councilman Backman, the Highway Superintendent stated that the blinking light on Chapman Road would be installed in May 2002.

## **REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 19**

### **News Articles – Town Crier**

Articles for the Town Crier need to be submitted to Patti Robinson in a timely fashion. Councilman Backman urges department heads to get the articles to her by the 15<sup>th</sup> of each month.

### **Motor Pool Standing Committee**

Councilman Backman suggested that the Town purchase log books to keep in Town vehicles; any Town employee who uses a Town vehicles should begin logging in the beginning and ending mileage on a daily basis, including the purpose for which the vehicle was used.

The Town Supervisor noted that two (2) former police vehicles – now stored at the Sanger Public Works Garage – might be available for employee use on Town business. Town Board briefly discussed the possibility of purchasing new cars to drive and be able to keep them for a particular number of years; this can be addressed at budget time.

Another suggestion was to also keep track of repairs done to each vehicle and the cost of the repair. This information could also be contained in the logs. Councilman Backman suggested that each Department Head be responsible to ensure that the information is logged on a daily basis.

### **COUNCILMAN WASZKIEWICZ:**

#### **Minutes – March 20, 2002 Town Board meeting**

Councilman Waszkiewicz questioned the phraseology in Resolution No. 131, page 3, amending the January 31, 2002 Resolution No. 63 to read the Attorney Rossi “*write the Summary relative to the \$906,000 Judgment...*”; he thought it should read “*settle the judgment as to the \$906,000 Decision...*”. Supervisor Humphreys offered that he may have misspoken when discussing the amendment on March 20, 2002.

Also, Councilman Waszkiewicz said he made a motion to close the Zone Map Amendment (Charles T. Sitrin Home) Public Hearing until the April 3, 2002 Town Board meeting but the minutes don’t reflect that and he feels his motion should be recorded even though there was not a second to his motion. Councilman Butler agreed. While Councilman Backman appreciated Councilman Waszkiewicz’s request, he noted that Gail Wolanin Young is the Town Clerk and records the minutes and the Town Board can’t tell the Town Clerk how to write the minutes. The Town Clerk stated that because a motion or resolution is not required to open a Public Hearing; conversely, a motion or resolution is not required to close a Public Hearing; therefore, Councilman Waszkiewicz’s motion was academic. The Supervisor merely declares a Hearing open and closed.

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 20**

Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 179 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve the **minutes** of the Regular Town Board meeting held on **March 20, 2002** with the following amendment:

Resolution No. 131 amending Resolution No. 63, adopted January 31, 2002, shall read ".. authorize and direct Attorney for the Town, Vincent J. Rossi, Jr. to settle the Judgment as to the \$906,000 Decision handed down by Supreme Court on January 31, 2002."

and the Town Board does further waive the reading of the same.

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.

**NYS Route 12 Task Force**

Councilman Waszkiewicz will send out an update to the Town Board.

**Survey – Parks and Recreation Facilities**

The Parks and Recreation Director had mailed to Town residents a survey seeking their input relative to future park and recreation facilities in the Town.

**Grant Writer**

Personnel Assistant Barbara Aiello provided an update on the grant writer matter; she will attend the April 23 and April 24, 2002 meetings scheduled with Connie Miner and various Department Heads. Councilman Waszkiewicz had met with Duke Madjekowski, grant writer with Eldercare, and he offered some suggestions for the Board and offered to volunteer in some part of the process. A planner may very well be able to assist in grant writing. Twenty (20) hours a week might be adequate for grant writing per Mr. Madjekowski. Councilman Waszkiewicz encouraged the Board to request that

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 21**

Department Heads create a list or spreadsheet of grants they submitted over the past two years, dollars realized from their efforts and which grants were declined in order to develop a base for past work and insights for grant writing in the future. Mr. Madjekowski may attend the May 1, 2002 Town Board meeting.

**Various matters**

In the interest of time, Councilman Waszkiewicz deferred his remaining agenda items to the May 1, Town Board meeting.

**Audit of Vouchers**

Councilman Waszkiewicz had questioned the bill paying process and believed there might be a more efficient way to review vouchers. Councilman Backman believes five (5) pair of eyes is better to see what the Town is paying for. Councilman Waszkiewicz stated that the main thrust is there's a better way to achieve this process, which will improve time and efficiency for the Town Board and staff. This matter will be discussed at later date.

**MATTERS SUBMITTED BY THE TOWN SUPERVISOR:**

**AUDIT OF VOUCHERS**

Upon presentation of the Town Supervisor, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 180 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. 12	\$ 42,956.00
General Fund, Whole-Town Abstract No. 13	48.00
General Fund, Part-Town Abstract No. 9	6,798.97
Highway, Whole-Town Abstract No. 5	7,673.66
Highway, Part-Town Abstract No. 9	26,808.58
Highway, Part-Town Abstract No. 10	16,674.00
Street Light District Abstract No. 5	7,142.51
Sewer Fund Abstract No. 8	144.77
<b>TOTAL</b>	<b><u>\$108,246.49</u></b>

Upon roll call, the Board members voted as follows:

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 22**

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

The Resolution was declared unanimously carried and duly adopted.

**SOUTH WOODS STREET LIGHT DISTRICT**

Dean Burth, Oneida County Real Property Services Office, has indicated there is no way in which the various properties in this special district can be “flagged” for Tax Search purposes to reflect that monies are due in 2003 for past years’ lighting services.

**COMMUNITY MAP**

The Town Board agreed that the Community Map Company should mail the community maps directly to Town residents and businesses at their cost and wrapped around the Town Crier. There is a six (6) month time frame before the map would be available. A list of businesses from the Chamber of Commerce had been obtained for solicitation of advertisements to cover the cost of the map.

**ILLEGAL SIGNS**

The Town Supervisor expressed concern with signs (Ex: advertisement for losing weight quickly) that are being placed on utility poles throughout the Town. The Supervisor asked the Town Attorney if the Town could mail the people a ticket citing a violation of the State Penal Code. The Highway Superintendent noted this is also a violation of the Town’s littering law. Vincent J. Rossi, Jr., Attorney for the Town, stated that the Town could cite these people. The Town Supervisor will talk to the Codes Enforcement Officer and have him keep track of whom tickets are mailed to.

**TRAINING SCHOOL - TELECONFERENCE**

Upon presentation by the Town Supervisor, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 181 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 the Town Supervisor Ralph B. Humphreys and Councilman Donald Backman to attend the “Conflict Of Interest Teleconference” being

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 23**

held on April 25, 2002 at the Oneida County Cooperative Extension Agency, Oriskany, NY, with expenses to be borne by said Town as budgeted.

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.

**HEALTH INSURANCE COSTS**

Personnel Assistant Barbara Aiello and the Town Supervisor are reviewing Town-paid health insurance costs for retired non-union employees and the Supervisor suggested that in the future the Employees Handbook might need to be amended. Current policy states the Town will reimburse a retiree, upon turning sixty-five (65) years of age, for Part B Medicare – which hasn't been done – and instead, the Town has been paying the exact same dollar amount for retired employees as for active employees. Non-union employees at sixty-two (62) years of age, with at least ten (10) years of continuous Town employment, and with a bonafide retirement from New York State are eligible for this benefit.

**APPOINTMENT – ACCOUNT CLERK/ACCOUNTING DEPARTMENT**

Upon recommendation of the Personnel Assistant, Councilman Backman presented the follow Resolution for Adoption, seconded by Councilman Woodland:

**(RESOLUTION NO. 182 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Janice O'Sullivan, 2927 Mohawk Street, Sauquoit, NY as full-time Account Clerk in the Accounting Department, effective May 6, 2002, in accordance with all New York State Civil Service rules and regulations, and at an annual salary of Eighteen Thousand Five Hundred Dollars (\$18,500), payable bi-weekly.

Upon roll call, the Board members voted as follows:

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

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 24**

The Resolution was declared unanimously carried and duly adopted.

**TRAINING SCHOOL**

Upon request of the Town Supervisor, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 183 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 the Town Supervisor Ralph B. Humphreys to attend the Second Annual Accounting Conference sponsored by the State Association of Towns from May 15-17, 2002 in Saratoga Springs, New York with expenses to be borne by said Town as budgeted.

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.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 184 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Soggs/Longeretta Certiorari, Cherrywood Certiorari Counsel, the Palumbo Tax Certiorari and health insurance for retired employees.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 25**

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All person present, including the news media and Deputy Town Clerk I, were then excused from the meeting at 10:45 P.M. The Town Clerk and Attorney for the Town remained for the Executive Session.

[NOTE: The Town Supervisor did not participate in the portion of the Executive Session that dealt with the Cherrywood Certiorari.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 185 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.

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 Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 11:19 P.M. The regular portion of the Town Board meeting was reconvened at 11:19 P.M.

**LEGAL SERVICES – CHERRYWOOD COMMUNITY CERTIORARI**

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

**(RESOLUTION NO. 186 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby retain the legal services of Attorney Joseph Shields to represent and to defend the Town of New Hartford in the

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 26**

matter of the Cherrywood Community, Inc. assessment certiorari brought against the Town.

The Deputy Supervisor called for a vote upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	ABSTAINED, as he is the

owner of said Cherrywood Community, Inc.

**CLAIM SETTLEMENT – LEGAL SERVICES**

Councilman Waszkiewicz then offered the following Resolution for adoption, seconded by Councilman Woodland:

**(RESOLUTION NO. 187 OF 2002)**

**WHEREAS**, in 2002 Special Counsel John Longeretta had submitted a claim in the sum of approximately Twenty-two Thousand Dollars (\$22,000) for legal services rendered to the Town of New Hartford in various matters spanning several years; and

**WHEREAS**, the claim had not been substantiated by any supporting documentation; and

**WHEREAS**, Special Counsel John Longeretta, in representing the Town, had failed to file a particular motion with the Courts in the Spring of 2001 relative to the First Source Federal Credit Union (Assessment) Certiorari brought against the Town; and

**WHEREAS**, said claims can be released as against the Town of New Hartford for the total sum of Twenty Thousand Dollars (\$20,000);

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize payment of Five Thousand Dollars (\$5,000) to Special Counsel John Longeretta and payment of Fifteen Thousand Dollars (\$15,000) to Randolph Soggs, Attorney for First Source Federal Credit Union, in consideration for full release against the Town of New Hartford and its Officers, for any and all claims of Special Counsel John Longeretta for unpaid legal services prior to Fiscal Year 2002 and for any and all claims that Randolph Soggs/First Source Federal Credit Union may have suffered as a result of the claimed obligation of the Town to refund overpaid School taxes; and be it

**REGULAR TOWN BOARD MEETING**

**April 17, 2002**

**Page 27**

**FURTHER RESOLVED** that payment of this settlement shall not occur prior to the Town's obtaining the duly executed Releases of Claim from Attorneys Longeretta and Soggs and First Source Federal Credit Union.

Upon roll call, the Board members 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.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Butler, the meeting was adjourned at 11:22 P.M.

**Respectfully submitted,**

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

**Margaret M. Jones  
Deputy Clerk I**

[NOTE: Page 6, fifth line down – was amended on June 5, 2002 to read as follows:  
“.....Oneida County Planning Department that have been cooperative in offering staff assistance but not for monetary funding....”