

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT THE KELLOGG ROAD COMMUNITY CENTER  
BUILDING IN SAID TOWN ON WEDNESDAY,  
JUNE 5, 2002 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

**TOWN BOARD MEMBERS:** Councilman Donald C. Backman  
Councilman John C. Waszkiewicz III  
Councilman David W. Butler  
Councilman Richard B. Woodland, Jr.  
Supervisor Ralph B. Humphreys

**OTHER TOWN OFFICIALS:** Assessor Paul E. Smith  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger A. Cleveland  
Parks and Recreation Director Michael W. Jeffery  
Police Chief Raymond Philo  
Town Clerk Gail Wolanin Young and Deputy Town  
Clerk II Sarah A. Long

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

**MINUTES**

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

**(RESOLUTION NO. 226 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve the minutes of the Regular Town Board meeting held April 17, 2002 with the following clarification requested by Councilman Waszkiewicz:

Page 6, 5<sup>th</sup> line down , “.... Oneida County Planning Department has been cooperative in offering staff assistance but not monetary funding.”

and does further waive the reading of the same.

Upon roll call, the Town Board voted as follows:

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

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Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

Action on the May 1 and May 15, 2002 Town Board minutes was deferred until the June 19, 2002 Town Board meeting.

### **PUBLIC PRESENTATIONS**

#### **ADELPHIA CABLE TELEVISION FRANCHISE AGREEMENT:**

Sidney Perry, Chairman of the Telecommunications Advisory Committee, handed out copies of the following Resolutions that he asked be adopted by the Town Board regarding the *ADELPHIA* Cable Television Franchise Agreement with the Town:

#### **RECOMMENDED RESOLUTIONS OF TELECOMMUNICATIONS ADVISORY COMMITTEE**

1. Be it resolved that the Town of New Hartford will rescind the existing [Adelphia] cable contract previously entered into due to misrepresentations by the Adelphia management.
2. Be it resolved that the Town shall direct the Town Attorney to demand of Adelphia Communications a performance bond in the amount of \$5,000,000, effective no later than June 15, 2002.
3. Be it resolved that the Town shall direct the Town Attorney to notify Adelphia Communications should the Cable operator enter into bankruptcy in whole and/or in part; the Town Clerk will be empowered to received all monthly cable payments to be held in escrow until a binding and final decision is rendered by the Bankruptcy Judge.
4. Be it resolved that Town Clerk is empowered to receive from the Town Residents payments previously forwarded to Adelphia for monthly service subject to the following expenses as an offset: collection, accounting, advertising notices, administrative charges and litigations expenses, gross franchise fees due and payable on a quarterly basis.
5. Be it resolved that the Town of New Hartford will publish REQUEST FOR PROPOSALS in regional newspapers of the Town's desire to seek other cable franchise operators for purposes of entering into an annual contract for cable and related services available.
6. Be it resolved that the Town hereby appoints Sidney Perry, Chairperson of the Town of New Hartford Cable Committee for an indefinite period of time.
7. Be it resolved that Chairman Perry will empowered to appoint a Committee of his choosing, be authorized an operating budget of no less than \$5,000 together with

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the express authority to meet and discuss with attorneys whose expertise is in cable franchise law and policy.

8. Be it resolved that Chairman Perry will be empowered to enter into a legal contract for services with an attorney who is knowledgeable in cable franchise agreements and statutory requirements.

Mr. Perry stated that the Committee had requested an annual statement from **ADELPHIA** but were refused. Supervisor Humphreys said since it wasn't required in the franchise agreement he doesn't know how we can demand it in the first place. Mr. Perry, who was accompanied by Committee member Ole Pedersen and advisor, Edmund Wiatr, initiated discussions including :

- **ADELPHIA**'s practice of billing for service one (1) month in advance
- recent newspaper articles on the Rigas founding-family of **ADELPHIA** who have since relinquished their positions with **ADELPHIA**, of using company money for personal use
- recent newspaper articles suggesting that **ADELPHIA** could file for Chapter 11 bankruptcy concern that if **ADELPHIA** files Chapter 11 the Town could lose its annual franchise fees
- **ADELPHIA**'s alleged misrepresentation regarding the maximum term of their franchise agreement
- What bank will lend **ADELPHIA** money to upgrade the Town's services in light of their current financial situation.

Councilman Backman wanted to know if what they were stating was that **ADELPHIA** was not able to meet the Town's franchise agreement or won't be able to in the future and that the Town Board should void its Franchise Agreement with **ADELPHIA**. Edmund Wiatr, of 2 Sylvan Glen Road, alleged that **ADELPHIA** misrepresented the Town about their current financial situation as well as the ten (10) year duration of their franchise agreement.

Councilman Butler spoke to Thomas Isabella of the Department of Public Services, Albany and he does not believe it was ever stated that the franchise agreement was a mandatory ten (10) year agreement. Mr. Wiatr continued that Linda Henry, an **ADELPHIA** representative, said that **ADELPHIA** would not accept any franchise agreement that was less than ten (10) years and he believed the Town would be put in a precarious situation if, in fact, **ADELPHIA** files for Chapter 11. He believed if **ADELPHIA** chooses this path all the franchise fees will go into a Trustee account for bankruptcy and eventually be lost. Mr. Wiatr suggests putting **ADELPHIA** on notice and demand a performance bond to protect Town's interest as the Town could loose \$50,000- \$75,000 in franchise fees that were budgeted. He recommended that the Town Clerk be appointed to collect **ADELPHIA** monthly subscriber fees.

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Ole Pedersen, Committee member, commented that not one (1) person on the Telecommunications Advisory Committee was in favor of a ten (10) year franchise agreement.

Supervisor Humphreys said that the Town will check with the Department of Public Services to determine if a performance bond could be requested. Mr. Wiater asked that the Town take these Resolutions very seriously. Supervisor Humphreys made mention that the wiring is suppose to be completely done by August 1<sup>st</sup> per Linda Henry and that the Town Board should come back to this discussion then.

Councilman Waszkiewicz thanked the Committee for their comments, suggestions and that there were some good points made. He will continue to pursue this topic on the behalf of the Town Board if they so desire. Councilman Backman request that the Town Clerk send a written notice to **ADELPHIA** reminding them of their responsibility to completely wire the Town by August 1, 2002.

### **MOTOR VEHICLE PARKING – SIDEWALKS:**

Shirley Riggles of 18 Golf Ave, New Hartford expressed concern regarding a motor vehicle parked over a sidewalk in her neighborhood and she inquired if the Town had any Codes prohibiting this type of action. Police Chief Raymond Philo answered that the Town doesn't have legislation prohibiting this but the State Vehicle and Traffic Law, Section 1202 (a) (b) prohibits parking upon sidewalks. Councilman Backman said that if the situation continues, the Police Department should be called to investigate. Chief Philo said he will visit the site tomorrow and if the car is parked on the sidewalk, a violation ticket will be issued.

## **REPORTS OF TOWN OFFICIALS**

### **CODES ENFORCEMENT OFFICER:**

#### **Proposed Zoning Law Text Amendment**

Codes Enforcement Officer Gerald Back submitted draft legislation to amend the Town's Zoning Law, Section 118 by amending the Schedule of Use, Area and Bulk Regulations for a PDMU – Planned Development Mixed Use District and specifically, the list of Site Plan Review Uses (Page 11943), as follows:

Schedule of Use, Area and Bulk Regulations for a PDMU

Add the following:

Site Plan Review Uses:

Minimum Lot Size (Area):

Congregate Residence

20,000 square feet

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Minimum Lot Size (Minimum Width):	100 feet
Maximum Lot Coverage:	40%/50%
Minimum % of Lot to be Permeable:	60%/50%
Maximum Building Height:	35 feet
Minimum Yard Dimensions (front):	50 feet
Minimum Yard Dimensions (each side):	15 feet
Minimum Yard Dimensions (rear):	30 feet.

Upon recommendation of the Codes Enforcement Officer, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 227 OF 2002)**

**WHEREAS**, the Codes Enforcement Officer has proposed “Congregate Residence” as an additional Site Plan Review Use in a PDMU, Planned Development Mixed Use District;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby refer the above-referenced Zoning Law Text Amendment proposal to the Oneida County Planning Department and to the Town Planning Board for their review and recommendation pursuant to General Municipal Law and the Town’s Zoning 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.

Resolution No. 227 was declared unanimously carried and duly adopted.

**Motor Pool**

Councilman Butler said that the 1996 Ford Crown Victoria (VIN 2FALP71W6TX167995) did not go to the Oneida County auction and he would like to make sure the car is assigned to the Codes Enforcement Office for their daily use in light of the current heavy workload involving construction activity and complaints received especially about high grass in residential areas.

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Illegal Signs on Utility Poles

It was the consensus of the Town Board that the Codes Enforcement Officer take action against persons who put garage sale and similar signs on utility poles.

**DIRECTOR OF SENIOR SERVICES:**

Appointment - Part-Time Food Service Helper

Upon recommendation of the Director of Senior Services, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 228 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Joanne Martin as a substitute Part-Time Food Service Helper at the New Hartford Adult Dining & Activity Center effective June 10, 2002, contingent upon approval of her employment application by the Oneida County Personnel Department. Ms. Martin's hourly wage is hereby established at Seven Dollars and Fifty Cents (\$7.50), payable bi-weekly.

Thereafter, 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.

**PARKS AND RECREATION DIRECTOR:**

Fireworks Proposal – 175<sup>th</sup> Town Anniversary Celebration

Parks and Recreation Director Michael Jeffery contacted several companies regarding the fireworks display for the Town's 175<sup>th</sup> anniversary celebration. One of the companies, *Young Explosives*, did not respond for the July 10<sup>th</sup> celebration but did for the July 4<sup>th</sup> date. He had received two (2) other proposals and recommended *American Fireworks* for their quoted price of Four Thousand Dollars (\$4,000). The other fireworks company, *Majestic Fireworks*, located in Clinton, quoted Four Thousand and Five Hundred Dollars (\$4,500). *Majestic* proposed a minimal display and *American Fireworks* has more insurance coverage and experience. *American Fireworks* also provides accompanying music with their display. The fireworks display will be operated from the area behind New Hartford Central School and the Town's Recreation Center in the Village of New Hartford; the School District and the Town have been named as additional insureds.

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Police Chief Raymond Philo pointed out that the permitting authority for this event is the Village of New Hartford. Upon inquiry of Councilman Woodland, it was stated that the cost of support staff at the celebration will be about Four Hundred Dollars (\$400) for the Parks Department and Sixteen Hundred Dollars (\$1600) for police officers.

Supervisor Humphreys had spoken to the Town Historical Society about displaying Town memorabilia at the celebration and he would also like to have a story in the Town Crier and perhaps have some tables set up in the Recreation Center as well. Town Clerk Gail Wolanin Young said she could provide a copy of the 1827 State Legislation creating the Town and a copy of the first Town Board meeting in 1827.

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

**(RESOLUTION NO. 229 OF 2002)**

**RESOLVED** that the Town Board does hereby authorize the transfer of Four Thousand Dollars (\$4,000) from General Fund Contingency Account A1990.4 to General Fund Celebrations Account A7550.4 to cover expense of the Fireworks Display for the Town's 175<sup>th</sup> anniversary celebration on July 10, 2002.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Appointments – Part-time, seasonal Employees**

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

**(RESOLUTION NO. 230 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint the following individuals to the various part-time, seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing June 24, 2002 unless otherwise noted, and for the duration of the summer Parks and Recreation Program; all wages are to be paid bi-weekly:

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<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
<b><u>Parks-A7110.14</u></b>		
Eric Kahler	Park Laborer I	\$6.75 per hour

**Playgrounds- A7140.11**  
**Start Date 6/24/02-9/6/02**

Arity Buckley	Rec Attendant at Oxford Road	\$5.61 per hour
Shaun McQueary	½ day Rec Attendant at Oxford Rd	\$5.61 per hour
Sarah Batson	Director at Clinton Road	\$9.63 per hour
Karyn Scaglione	Director at Higby Road	\$9.63 per hour
Tim Welchons	Rec. Attendant at Higby Road	\$5.61 per hour

**Swim- A7230.1**  
**Start Date 6/24/02**

Liam Dwyer	Instructional Lifeguard	\$8.00 per hour
Mary Carol Karl	Lifeguard & Substitute Instructor	\$7.50 per hour
Anna Wanner	Evening Lifeguard	\$7.15 per hour
Colin Weed	Evening Lifeguard	\$7.15 per hour
Sara Stomboly	Lifeguard at Donovan Park Wading Pool	\$7.15 per hour
Bryce Lamberto	Lifeguard at Donovan Park Wading Pool	\$7.15 per hour

A roll call vote was taken by Supervisor Humhreys for the Resolution 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.

**POLICE CHIEF:**

**Parking in Right of Way – Village of New Hartford**

Councilman Butler inquired about the parking regulations in the Village between the sidewalk and road. Chief Philo says that in the Village it would be a Codes issue and not a parking ticket situation. The parking situation that was a concern for Councilman Butler has been addressed through the Village Clerk.

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**Speed Limit Reduction – Sedgewick Park**

Councilman Waszkiewicz, who had been contacted by Sedgewick Park residents asking for a 25 mile-per-hour speed limit, said he would conduct a neighborhood meeting for further input prior to requesting the New York State Department of Transportation to lower the speed limit along Sedgewick Park.

**Green Waste and Solid Waste Pickup**

Councilman Butler noticed that a contractor had cut down trees on Compton or Gilbert Road and had the debris piled nearly on the road. He approached the contractor who was unaware of the Town’s policy regarding green waste. Councilman Backman noticed that there were problems in other areas and had contacted the Police Department. Councilman Butler recommended that Town Officials contact the Police Department when they see incidents like this. Police Chief Philo says that if there are items left in the road and it creates a public safety issue, it would be a violation and is enforceable.

**HIGHWAY SUPERINTENDENT:**

**Lexington Boulevard - Acceptance of Land**

Superintendent of Highway Roger Cleveland had been contacted by Oneida County relative to their transfer of land along Lexington Boulevard so that property owners are not trespassing to access their lands. He has received the release forms from Oneida County and asked the Town Supervisor to execute the forms. There is no cost to the Town for acceptance of the land.

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

**(RESOLUTION NO. 231 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby accept the transfer of ownership from Oneida County of 1.15 acres of land along Lexington Boulevard, identified as Tax Map Parcel No. 328.006-3-82, and does hereby authorize and direct the Town Supervisor to execute Forms TP-584, Combined Real Estate Transfer Tax Return, and RP-5217, Real Property Transfer Report, necessary for recordation of this property transfer in the Oneida County Clerk’s Office; it is understood that transfer of the aforesaid land to the Town of New Hartford will be at no cost to the Town.

Upon roll call, the Town Board members voted as follows:

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

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Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye

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

**Training**

Upon request of the Highway Superintendent and Town Supervisor, the following Resolution was introduced by Councilman Backman and duly seconded by Councilman Butler:

**(RESOLUTION NO. 232 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 Candy Currier, Highway Clerk, and Bookkeeper Carol Fairbrother to attend the Modular Three (3) Computer Training Courses on July 9 and 11, 2002 at the SUNY Institute of Technology of Utica/Rome, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Mowing Agreement**

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

**(RESOLUTION NO. 233 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Supervisor to execute the Mowing Agreement between the County of Oneida and Town of New Hartford for fiscal year 2002, and as more fully set forth in said Agreement.

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The Resolution was voted on as follows:

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

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

**Proposed Higby Road Water Project – Grant Application**

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

**(RESOLUTION NO. 234 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the ***Drinking Water State Revolving Fund Application – Hardship Determination Information*** to seek \$3,982,000 for a new pump station, water storage tank and distribution system along Higby Road in said Town.

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Appointments – Part-time, Seasonal Highway Employees**

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

**(RESOLUTION NO. 235 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint the following individuals as Part-time, seasonal Laborers and for the hourly wages set opposite their several names, for the Highway Department, commencing on the dates opposite their names.

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<u>Name</u>	<u>Hourly Pay</u>	<u>Effective Date</u>
Daniel Yates	\$7.50	June 10, 2002
Jazmond Davis	\$7.50	June 6, 2002
Michael Shaw	\$7.50	June 10, 2002
Michael Flagg	\$7.50	June 10, 2002.

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

The Resolution was declared unanimously carried and duly adopted.

**Technical Review Services – “The Orchard Shopping Center”**

The Highway Superintendent presented a consulting engineering service agreement and a site plan review services agreement relating to the proposed Orchard Shopping Center, Clinton Street, above the Ellinwood Industrial Park. After some discussion, Councilman Waszkiewicz offered the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 236 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute an Agreement between the Town of New Hartford and Alan M. Swierczek, P.E., for “as-needed” Consulting Engineering Services associated with the site plan review of stormwater management facilities for the “Orchard Shopping Center”, Clinton Street and Middlesettlement Road, New Hartford. The cost of this Agreement, co-signed by Larry Adler in behalf of the Orchard project, shall not exceed Thirteen Hundred Dollars (\$1300), and shall be reimbursed to the Town by the Orchard project.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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

**(RESOLUTION NO. 237 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute an Agreement between the Town of New Hartford and *peter j. smith and associates* for Technical Review Services for the issue of site plan design required for the proposed “Orchard Shopping Center”, Clinton Street and Middlesettlement Road, New Hartford. The cost of this Agreement, co-signed by Larry Adler in behalf of the Orchard project, shall not exceed Fifteen Hundred Dollars (\$1500), and shall be reimbursed to the Town by the Orchard project.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Special Assessment District (Tax Bill)**

**Public Lands Law §19 – Town Tax Parcel No.(s) 328.016-3-45 & 328.005-1-9**

Receiver of Taxes Hilarie Elefante had received in January 2002 a letter from the office of the State Comptroller regarding sewer tax levied on several state-owned properties. The State will only pay sewer charges pertaining to debt service and only when in the form of a unit charge. The Town’s sewer charge is made up of both unit charge and ad valorem tax. The Highway Superintendent had conversed with Colin Campbell, Senior Budget Analyst of the Bureau of Financial Administration, and explaining how the sewer tax is composed and also that part of New Hartford Sewer Improvement Area #1 debt is being retired this year and Sewer #8 next year. In the Town’s consolidated sewer district, the most the Town could charge is Twenty-Seven Dollars (\$27) for the ad valorem rate and the Highway Superintendent recommended foregoing this charge because the Town had not met the State’s three (3) weeks prior notice before sending the sewer bill.

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

**(RESOLUTION NO. 238 OF 2002)**

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**WHEREAS**, the Public Lands Law, Section 19, requires a board authorized to assess lands for local improvements or purposes to serve on the State Comptroller, at least three (3) weeks prior to the confirmation of the same, a written notice of every assessment of state lands, showing the purpose for which the assessment is made, the state lands assessed and the amounts for which they are assessed, and referring to the law authorizing the assessment, and no such assessment shall be legal unless such notice is duly served; and

**WHEREAS**, the Town of New Hartford was unaware of this State requirement and therefore had not served the required notice upon the State Comptroller;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby dismiss the 2002 sewer unit charge and any future unit charges for sewer taxes for state-owned properties within the Town of New Hartford.

The Supervisor polled the Town Board as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Attorney for the Town, Vincent J. Rossi, Jr. arrived at 8:40 P.M.

**Competitive Bid – Sanger Public Works Garage Roof**

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

**(RESOLUTION NO. 239 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford shall receive sealed bids for the service rendered to repair the Sanger Public Works Garage Roof, 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 Friday, June 28, 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

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**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
Councilmen Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

**Curbside Trash Collection Program**

The Highway Superintendent informed the Board that the trash collection program is going very well. His department sent out over thirty (30) letters to people having debris on the street prior to their designated collection time and, with the exception of two or three, the people had moved the debris back.

**ASSESSOR:**

**Training**

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

**(RESOLUTION NO. 240 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 Assessor Paul Smith to attend the New York State Assessors' Appraisal Training Courses from July 14-19, 2002 at Cornell University, Ithaca, NY, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

**Establishment of Salary – Pay Raise**

Upon recommendation of Assessor Paul Smith and the Personnel Assistant, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 241 OF 2002)**

**WHEREAS**, Patricia Vasco’s annual salary was budgeted for Eighteen Thousand Twenty-five Dollars (\$18,025) for the year 2002 but is currently receiving an annual salary of Seventeen Thousand Five Hundred Dollars (\$17,500);

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby increase Ms. Vasco’s 2002 salary to Eighteen Thousand Twenty-five Dollars (\$18,025) effective June 3, 2002 to be pro-rated as of that date.

The Resolution was voted on as follows:

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

The Town Supervisor declared the Resolution unanimously carried and duly adopted

**Grievance Day**

The Assessor reported that only 180 assessment grievances were filed and that they were down by 100 from last year.

**TOWN CLERK:**

**Training**

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

**(RESOLUTION NO. 242 OF 2002)**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Town Clerk Gail Wolanin Young and Deputy Town Clerk I Margaret M. Jones to attend the DECALS (Department of Environmental Conservation Automatic Licensing System) training class in the Town of Geddes, New York on June 11, 2002 with related expenses to be borne by said Town.

The Resolution was voted on as follows:

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

The Town Supervisor declared the Resolution unanimously carried and duly adopted

**FOIL Appeal**

Town Clerk Gail Wolanin Young had denied, in accordance with County Law, a FOIL request for information relating to 911 records and the Town Clerk presented Attorney Paul Longieretta's appeal. Police Chief Raymond Philo supported the Town Clerk's decision, citing the State's County Law. After some discussion, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland

**(RESOLUTION NO. 243 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby affirm the Town Clerk's decision to deny the April 29, 2002 FOIL request of Paul Longieretta for 911 records and does hereby deny Mr. Longieretta's Appeal; and be it

**FURTHER RESOLVED** that the Attorney for the Town affirm the action of the Town Clerk as well as the Town Board's decision not to release the requested records.

The Resolution was voted upon by roll call as follows:

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

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Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted

### **REPORTS OF SPECIAL COMMITTEES:**

#### **Town Physical Building Facilities Review Committee**

Councilman Waszkiewicz handed out a “draft” Site Evaluation, rating four (4) sites for possible consolidation/partial consolidation of Town offices. The Highway Superintendent had prepared this evaluation with the intent that the Highway Garage will not be relocated. The Town Board asked that the Facilities Review Committee meet with Department Heads and ask them to rank the four sites.

### **MATTERS SUBMITTED BY COUNCILMEN**

#### **COUNCILMAN BACKMAN:**

##### **Roberts Road - Speed Limit Study**

Councilman Backman will be reviewing the Roberts Road Speed Limit Study file at the NYS Department of Transportation Office, Traffic and Safety Department, on Wednesday, June 12, 2002 at 2:00 P.M.

##### **Water Hydrant**

Councilman Backman and Highway Superintendent Cleveland will meet at 9412Mallory Road, where it appears a hydrant needs to be raised. The Highway Superintendent noted that this work would fall under the jurisdiction of the Upper Mohawk Valley Regional Water Board.

#### **COUNCILMAN WASZKIEWICZ:**

##### **Planner/Grant Writer**

Councilman Waszkiewicz has not received approval from the Oneida County Personnel office regarding the position of a grant writer/planner. Councilman Waszkiewicz says he’ll be meeting with a local grant writer regarding his suggestions.

##### **Storm Water Management**

Councilman Waszkiewicz presented three (3) study plans/studies done by the Town since the early 1990’s; specific issues identified in his Ward included a stagnant water problem on Taber Road and storm water drainage on Sedgewick Park affecting three (3) residences as a result of water drainage from the South Woods Development.

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Councilman Waszkiewicz would like a consensus from the Board so that he may talk to the residents and offer some remediation on their properties and the Board concurred

**New York Mills Fire Department Memorial Park**

For information purposes only, Councilman Waszkiewicz reported that *peter j. smith and associates* have prepared a conceptual plan for the proposed New York Mills Fire Department Memorial Park to be located off Burrstone Road.

**MATTERS SUBMITTED BY TOWN SUPERVISOR:**

**Pay Telephones**

Supervisor Humphreys is looking into a proposal for installing pay phones instead of AT&T phones at the Recreation Center on Mill Street and at Sherrillbrook Park. By installing our own pay phone lines, the Town would be able to eliminate the Thirty-two Dollar (\$32) monthly line charge. He'll look at the cost of having these phone lines and maintaining them.

**Non-Budgeted Item – Air-Conditioner Cleaning**

Upon recommendation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Backman and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 244 OF 2002)**

**WHEREAS**, the technician who connected the air conditioning from the Town Clerk's Office to the Accounting Office noticed that there was much dust and debris in the vents of the air conditioner which may have been causing symptoms of nausea, headaches and eye irritation; and

**WHEREAS**, the Town Clerk had confirmed that the air-conditioning unit had not been serviced in approximately twenty (20) years;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the cleaning of the air-conditioning unit and does hereby direct the cost of Four Hundred Twenty Dollars (\$420) to be paid from the General Fund Account A1620.4 (Buildings and Grounds).

Upon roll call, the Board members voted as follows:

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

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Supervisor Humphreys - Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

**AUDIT OF VOUCHERS**

On recommendation of the Town Supervisor, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 245 OF 2002)**

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

General Fund, Whole-Town Abstract No. 14A	\$ 125.64
General Fund, Whole-Town Abstract No. 17	\$ 20,068.83
General Fund, Whole-Town Abstract No. 18	\$ 41,966.63
General Fund, Part-Town Abstract No. 11	\$ 18,047.08
Highway Fund, Part-Town Abstract No. 13	\$ 16,110.74,
excluding the E. J. Peters voucher in the amount of \$833.45, which the Town Board will revisit at the June 19, 2002 Town Board meeting	
Highway Fund Part-Town Abstract No. 14	\$ 23,795.00
Sewer Fund Abstract No. 10	\$ 5,853.77
Sewer Fund Abstract No. 11	\$ 5,319.00
Master Plan Capital Project Abstract No. 2	\$ 4,000.00
Salt Storage Barns Abstract No. 3	\$ 9,990.20
Air Conditioning Project Abstract No. 4	\$ 15,100.00
<b>TOTAL:</b>	<b>\$488,048.33</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

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

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**(RESOLUTION NO. 246 OF 2002)**

**RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to pay the E. J. Peters bill received for repairs to a Town Highway vehicle provided that Supervisor Humphreys can settle the amount of money actually due, as their was a handwritten notation of a One Hundred Dollar (\$100) credit due; see notation on Resolution No. 245 of 2002.

Upon roll call, the Board members voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

**Gray Reservoir**

Millicent Raider-Harris had approached Supervisor Humphreys requesting that the Town send a letter to the Upper Mohawk Valley Regional Water Board (UMVRWB) to support saving the Gray Reservoir in the Town of Norway. Ms. Raider-Harris also asked the Town to forward a letter to Congressman Boehlert to support her efforts in the matter. The request was deferred until the June 19, 2001 Board meeting by which time the Town's UMVRWB representative, Elis DeLia, can be contacted for his opinion.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 247 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Tax/Assessment Certioraris involving Benderson Development Corp., and Longeretta/Soggs; the Husted land acquisition option and matters leading to the dismissal of a particular employee.

A roll call vote ensued:

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

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Councilman Backman - Aye  
Supervisor Humphreys - Aye.

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

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 248 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 11:11 P.M. The regular portion of the Town Board meeting was reconvened at 11:11 P.M.

**REAL PROPERTY ACQUISITION**

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

**(RESOLUTION NO. 249 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute the Option Agreement between the Town of New Hartford and Hogeboom & Campfield and upon receipt of a duly signed Option Agreement from the proposed seller, the Town will remit a deposit of Five Hundred Dollars (\$500).

The foregoing Resolution was duly put to a vote upon roll call:

Councilman Waszkiewicz - Aye

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

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

**PERSONNEL – PAYMENT OF UNUSED SICK TIME**

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

**(RESOLUTION NO. 250 OF 2002)**

**WHEREAS**, former employee Janice Christofaro is claiming thirty-nine (39) hours of unused sick time when she was released from employment;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of thirty-nine (39) hours of unused sick time to Janis Christofaro at her 2002 wage rate.

Upon roll call, the Board voted as follows:

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

The Resolution was not carried and was declared DEFEATED.

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

**(RESOLUTION NO. 251 OF 2002)**

**WHEREAS**, former employee Janice Christofaro is claiming thirty-nine (39) hours of unused sick time when she was released from employment;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of twenty-one (21) hours of unused sick time to Janis Christofaro.

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A roll call vote ensued:

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

The Supervisor declared the Resolution carried and duly adopted.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 252 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Tax/Assessment Certioraris brought against the Town by the Cherrywood Mobile Home Community owner.

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. The Town Supervisor excused himself from the meeting in this particular matter; the Town Clerk was excused and Executive Session commenced at 11:14 P.M.

[NOTE: The following transcript was provided by Councilman Backman on Thursday, June 6, 2002.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 253 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.

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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	-	ABSENT).

Deputy Supervisor/Councilman Backman declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 11:50 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 of Councilman Backman and seconded by Councilman Waszkiewicz, the meeting was adjourned at 11:50 P.M.

**Respectfully submitted,**

**Sarah A. Long**  
**Deputy Town Clerk II**