

**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 19, 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 (Arrived at 8:25 P.M.)
Codes Enforcement Officer Gerald F. Back
(Arrived at 8:25 P.M.)
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Personnel Assistant Barbara Aiello
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk I Margaret M. Jones

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

MINUTES

Councilman Waszkiewicz introduced the following Resolution, which was duly seconded by Councilman Woodland:

(RESOLUTION NO. 254 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Town Board Meeting held on May 1, 2002, with the following change requested by Councilman Waszkiewicz:

Page 12 – Paragraph on **Visibility Issue – White Pine Road Area**

“...anything the town can do.” Councilman Waszkiewicz believed that it was the consensus of the Town Board that they could do nothing because it was a County road and asked that this be reflected.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Councilman Butler introduced the following Resolution, which was duly seconded by Councilman Backman:

(RESOLUTION NO. 255 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Town Board Meeting held on May 15, 2002.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	ABSTAINED because he was not

present due to attendance at a conference.

The Resolution was declared unanimously carried and duly adopted.

PUBLIC PRESENTATIONS

Oneida County Legislator Brian Miller

Oneida County Legislator Brian Miller, 16th District representing part of New Hartford, Kirkland, Bridgewater and Paris, was at the Town Board Meeting to introduce himself and to see if Town Board had any concerns he might be able to address. Councilman Backman has some public safety concerns he'll address in the future with Legislator Miller, who acknowledged the problem with traffic at the Oneida Street-Kellogg Road intersection. Councilman Backman explained that the Town is looking at doing a GEIS for this area and he would like to talk with Legislator Miller about the problem.

Councilman Waszkiewicz says that if the Town does a GEIS, the Town would look for the County's endorsement of the findings. Director of Senior Services Eileen Spellman sought the Legislator's support to remove seniors from a waiting list so they can receive home-delivered meals.

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Flashing Light - Chapman and Weston Roads

Gordon Cobb, 9491 Chapman Road stated there was a serious motor vehicle accident yesterday at Weston and Chapman Road. Mr. Cobb stated that the County allocated sixteen (16) months ago Sixteen Thousand Dollars (\$16,000) for a flashing light at that location. A year ago June the Highway Superintendent had told Mr. Cobb that the light would be installed by September (2001), then he was told by November (2001), and finally at the March 20th Town Board Meeting he was told that it would be installed in two (2) months and the Chapman Road residents still don't have a flashing light at Weston Road. He asked if the Town has the money, and why is it taking so long? The flashing light is a potential safety factor, and Mr. Cobb can't say it would have eliminated the accident. Supervisor Humphreys agreed that the installation of the light is long overdue. Highway Superintendent Roger Cleveland explained that he had received today a response from the Town's contractor, Power Line Constructors, that the light would be installed within two to three (2-3) weeks. The Town Supervisor assured Mr. Cobb the light would be installed within a month.

Delores DelMedico, 9488 Chapman Road stated that the residents are still having problems crossing the road to retrieve their mail. Supervisor Humphreys told Ms. DelMedico that she would have to talk to the New Hartford Post Master as mail is regulated by the Postal Service.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Scheduled Events

Director of Senior Services M. Eileen Spellman mentioned the following upcoming events:

- July 1 – The American Red Cross' bloodmobile will be at the New Hartford Adult Dining and Activity Center
- July 31 – The Senior Citizen picnic will be at Sherrillbrook Park
- August 6 – The Town of New Hartford 175th Centennial Dance at the Recreation Center.

HIGHWAY SUPERINTENDENT:

FEMA Refund

Highway Superintendent Roger Cleveland reported that the Town needs to refund Two Hundred Ten Dollars and Fifty-two Cents (\$210.52) to the Federal Emergency Management Agency for their overpayment to the Town of storm and flooding damage from several years ago.

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

(RESOLUTION NO. 256 OF 2002)

WHEREAS the Town of New Hartford had received funds from the Federal Emergency Management Agency (FEMA) for Severe Storm and Flooding Damages incurred in the Town during July 2000; and

WHEREAS the Town of New Hartford has received a letter from the FEMA stating that they had sent an overpayment to the Town of New Hartford in the amount of Two Hundred Ten Dollars and Fifty-two Cents (\$210.52) for the July 2000 Severe Storm and Flooding damage;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to refund to the New York State Emergency Management Office the sum of Two Hundred Ten Dollars and Fifty-two Cents (\$210.52), said amount to be paid from General Fund, Engineer Contractual Account No. A1440.4.

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.

Curbside Trash Collection Program

Highway Superintendent Cleveland reported that the collection program is going well and that there have been very few incidents of people putting out inordinate amounts of material. The Highway Superintendent did ask the Board's opinion on what the Highway Department should do about picking up at Church properties. Councilman Backman feels that this should not be done since the Churches do not pay taxes. Councilman Waszkiewicz stated that the Town should re-define the Trash Pickup Law excluding Church properties. Councilman Butler stated that some churches have a parsonage or rectory on their property and felt that the Town should pick up the trash at these locations. After further discussion of the matter, it was the consensus of the Town Board that the Highway Department not pick up Trash which is located on Church property.

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Competitive Bid - Bituminous Concrete Paving of Roads

Highway Superintendent Roger Cleveland presented the results of the bid opening for the Bituminous Concrete Paving Bid. **Ocuto Blacktop Paving Co., Inc.** is the apparent low bidder at One Hundred Eighty-three Thousand Sixty-nine Dollars and Twenty Cents (\$183,069.20). The following Bids were received and opened on June 14, 2002 at the Town Clerk's Office:

Hanson Aggregates P.O. Box 513 Jamesville, NY	\$187,512.65
Barrett Paving Materials, Inc. P.O. Box 400 Washington Mills, NY	\$203,779.40
North Paving Co., Inc. 643 Elizabeth Street Utica, NY	\$247,088.00
Ocuto Blacktop Paving Co., Inc. 846 Lawrence Street Rome, NY	\$183,069.20

The Highway Superintendent needs to share this information with the various Villages who will be paving under the Town's contract and asked that no action be taken until the next Town Board meeting. A suggestion was made to award the Contract to Ocuto contingent upon the responses from the other municipalities involved in this Contract.

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

(RESOLUTION NO. 257 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Highway Superintendent Roger A. Cleveland to issue a Letter of Intent to award the 2002 Bituminous Concrete Paving contract to the low bidder, **Ocuto Blacktop Paving Co., Inc.**, contingent upon the Town's receipt of approval from various municipalities who will participate in said paving contract.

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

Councilman Waszkiewicz - Aye

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

The Resolution was declared unanimously carried and duly adopted.

Training

The Highway Superintendent requested permission to attend the Modular Three (3) training course at SUNY on July 9 and 11, 2002, in addition to Highway Clerk Candy Currier who had been granted permission at the June 5, 2002 Town Board Meeting. The following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Backman:

(RESOLUTION NO. 258 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 for the Highway Superintendent Roger Cleveland to attend the Modular Three (3) Computer Training Courses on July 9 and 11th, 2002 at the SUNY Institute of Technology of Utica/Rome, with expenses to be borne by said Town as budgeted.

The Town Board then voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Further, the Highway Superintendent requested permission to attend a conference at Kutchner's from September 24-27, 2002. The following Resolution was presented for adoption by Councilman Butler; Seconded by Councilman Backman:

(RESOLUTION NO. 259 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 for Highway Superintendent Roger Cleveland to attend the Annual Superintendent of Highways Conference at Kutchner's in the Catskills from September 24 –27, 2002, with expenses to be borne by said Town as budgeted.

The Town Board then voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Laundry Service Contract – Highway Department

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

(RESOLUTION NO. 260 OF 2002)

WHEREAS, after contracting with Tri-State Industrial Laundries for over ten (10) years for employee uniform supplies and maintenance, the Town Highway Department has changed laundry service; and

WHEREAS, subsequent to the laundry service change, the Town has received two (2) invoices from Tri-State Laundries for lost and/or damaged articles in the amount of approximately Thirteen Hundred Dollars (\$1300);

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of New Hartford does hereby authorize Highway Superintendent Cleveland to negotiate the settlement of the Town's account with Tri-State Laundries.

Upon roll call, the Board voted 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. The Highway Superintendent stated an inventory on the uniforms for each employee will be monitored periodically.

Acquisition of a Roller

The Highway Superintendent has located a used five-ton roller at a cost of just under Ten Thousand Dollars (\$10,000). Town Bookkeeper Carol Fairbrother has been asked to contact the State Comptroller’s office to ascertain if the Town could use unencumbered moneys from the borrowing to pay for the roller. The roller had been included in a bond issue but for Five Thousand Dollars (\$5000).

Surplus Equipment/Vehicles - Auction

Highway Superintendent Cleveland reported that the Town did better than anticipated in the sale of surplus equipment at the Oneida County auction on June 5, 2002; he is waiting to receive the final figures from Oneida County.

PARKS AND RECREATION DIRECTOR:

Appointments - Summer Employees

Parks and Recreation Director Michael Jeffery reported that several recent appointees had declined their appointments for the summer programs. Upon recommendation of the Parks and Recreation Director, Councilman Waskiewicz presented the following Resolution for Adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 261 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time, seasonal positions and for the hourly wages set opposite their several names, beginning June 24, 2002 through September 6, 2002, for the Parks and Recreation Department; all wages to be paid bi-weekly:

PARKS – A7110.14

<u>Name</u>	<u>Position</u>	<u>Hourly Rate of Pay</u>
Erik Cusworth	Crew Supervisor	\$ 7.50

PLAYGROUNDS – A7140.11

Chadwicks Playground

Sarah Wilson	Recreation Attendant I	\$ 5.61
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Higby Road Playground

Rebecca Anderson	Recreation Attendant I	\$5.61
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Bus Drivers

Barbara Kivela	Head Bus Driver	\$11.00
Ellen Tabolt	Bus Driver	10.40
Shirley Root	Substitute Bus Driver	10.40

Swim – A7230.1

Kevin Bartozek	Instructional Lifeguard	\$ 8.00
Ryan McAardle	Lifeguard	7.50
Amanda Noggle	Evening Lifeguard	7.15

The Town Board then voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

POLICE CHIEF AND DISPATCH SUPERVISOR:

Appointment - Dispatch Committee Vacancy

On the recommendation of Dispatch Supervisor Jeffrey Madden and Police Chief Raymond Philo, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 262 OF 2002)

WHEREAS, a vacancy exists on the 24-Hour Emergency Dispatch Committee due to the January 2002 death of James Turnbull;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Lawrence T. Gilroy to fill the existing vacancy effective immediately and for a term to expire December 31, 2002.

Upon roll call, the Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Resolution was declared unanimously carried and duly adopted

Stop Sign Survey

Police Chief Raymond Philo reported that Patrolman Robert Philo and Highway Department Traffic Coordinator Francis Kelley have completed the survey of intersections without stop signs and will prioritize those intersections that need traffic control devices.

Peddling & Soliciting - Supreme Court Decision

Police Chief Raymond Philo reported that two (2) days ago the U.S. Supreme Court handed down a decision, which may impact Town's Peddling and Soliciting legislation and specifically that section pertaining to religious organizations. The decision was in favor of religious organizations (Jehovah's Witnesses, etc.) having the right to preach their religion door-to-door without being subject to local restrictions and regulations.

Speed Limit Study – Roberts Road

On June 12, 2002 Councilman Backman visited the NYS Department of Transportation (DOT) to review the numerous Roberts Road speed limit studies and the DOT's denial of a lower speed limit. DOT did a recent study, which stated that thirty-six percent (36%) of motorists exceeded the speed limit. Councilman Backman is asking the Police Department to have the radar trailer set up to get additional data prior to enforcement. Councilman Backman stated that a letter from DOT in November 2001 referred to a study but the Councilman found there was no traffic study and DOT freshened up their paperwork.

PERSONNEL ASSISTANT:

Fringe Benefit Payout – Unused Sick Leave

On June 5, 2002 the Town Board approved paying Janis Christofaro for twenty-one (21) hours of unused sick time (dating to 1999) but the Board did not specify the rate at which the sick time was to be paid – the 1999 pay rate when Ms. Christofaro was initially discharged for an unsuccessful Civil Service exam, or her current pay rate and discharge for the same reason. After a brief discussion, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 263 OF 2002)

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RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and approve the payment of twenty-one (21) hours of unused, accumulated sick time for former employee Janis Christofaro at her 2002 pay rate.

The Supervisor took a 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

Appointment – Codes Department Part-time Clerk

Part-time Clerk Ava Massoud will be leaving the Codes Department; effective June 21, 2002 to accept a work-study program in New York City and the Codes Enforcement Officer recommended that Allison Back be appointed to fill the vacancy. The Town Board inquired if the hiring of Miss Back would present a problem due to her relationship to the Codes Enforcement Officer. The Personnel Assistant Barbara Aiello stated that the Codes Enforcement Officer did not feel that this would present a problem and she confirmed that there is no one else who has applied for this type of work that can type. Thereafter, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 264 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint Allison Back, 28 Croft Road, New Hartford, New York as a Student Worker in the Codes Enforcement Office, to fill the vacancy created by the resignation of Ava Massoud, effective June 24, 2002 through August 30, 2002 at an hourly rate of Seven Dollars (\$7.00) per hour, payable bi-weekly.

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.

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Training

Upon request of Personnel Assistant Barbara Aiello, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 265 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 for the Personnel Assistant Barbara Aiello to attend a Fair Labor Standards Seminar in Rochester, New York on July 24, 2002 at a cost of One Hundred Eighty-Nine Dollars (\$189) for the one-day Seminar which will also include a CD, with expenses to be borne by said Town as budgeted.

The Town Board then voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Creation of Planner/Grant Writer Position

Personnel Assistant Barbara Aiello presented draft specifications for duties of a planner/grant writer; which would be a competitive position. The Town Board will review the specification before taking any action. Councilman Waszkiewicz stated that the Board should accept this specification with whatever changes he comes up with by Friday. Councilman Backman objected to this, as the members of the Board would not know what each other's comments would be. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 266 OF 2002)

RESOLVED that the New Hartford Town Board does hereby approve the job specifications for Planner/Grant Writer as set forth on Form MSD-222 to be submitted to Oneida County Personnel for their approval and does further create effective immediately the full-time position of Planner/Grant Writer.

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The Town Board then voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Salary – Planner/Grant Writer

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

(RESOLUTION NO. 267 OF 2002)

RESOLVED that the annual salary for the newly-created position of Planner/Grant Writer is hereby established in the range of Thirty-five Thousand Dollars (\$35,000) to Forty-five Thousand Dollars (\$45,000).

The Town Board then voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted

Early Retirement Incentive

Personnel Assistant Aiello discussed the early retirement incentive program offered by the New York State Employees Retirement System and in which municipalities may participated by adopting a local law. However, the Town must demonstrate that it will save fifty percent (50%) of the employees' salaries by offering eligible employees this early retirement program. The Personnel Assistant will review personnel records to determine which employees may be eligible for this program and report at the next Town Board meeting.

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Salary Increase

Upon recommendation of Supervisor Ralph Humphreys, Police Chief Raymond Philo and Personnel Assistant Barbara Aiello, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 268 OF 2002)

RESOLVED that the New Hartford Town Board does hereby approve a fifty cent (\$.50) per hour increase for Part-time Cleaner Roger S. Jones, so that this hourly wage effective June 17, 2002 will be Seven Dollars and Fifty Cents (\$7.50); payable bi-weekly.

The Town Board then voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

ASSESSOR:

Computer Expense

Town Assessor Paul Smith explained to the Board that with the new telephone system it is difficult for the county and/or state to access PC Anywhere to the Computer in his office. The Assessor stated that an analog adapter is needed for this process, the cost of which is One Hundred Fifty Dollars (\$150) and would be a one-time expense.

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

(RESOLUTION NO. 269 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Assessor to have installed an analog adapter, which is needed for the Computer System in his Department with the costs and expenses to be incurred by the Town not to exceed One Hundred Fifty Dollars (\$150).

Upon roll call, the Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Resolution was declared unanimously carried and duly adopted.

TOWN CLERK:

Office Renovations

A discussion was held on renovations necessitated to accommodate the DECALS equipment being provided by the New York State Department of Environmental Conservation during July 2002. Highway Superintendent/Director of Buildings and Grounds Roger Cleveland has not found a carpenter to do the work yet.

REPORTS OF COUNCILMEN

COUNCILMAN BACKMAN:

Town of Frankfort Development

Councilman Backman asked Joseph Yagey, Planning Board Chairman, if he was aware of a Town of Frankfort development which may affect New Hartford. Councilman Backman stated that part of development is in the Town of New Hartford. Chairman Yagey stated that the developer must appear before the Town of New Hartford Planning Board. The Town Board requested that Chairman Yagey send a letter to the Frankfort Planning Board and request participation and hearing dates, etc. so that standards are uniform throughout the development.

Cul-de-sacs

Because the Parks and Recreation Department is mowing thirty-eight (38) cul-de-sacs in the Town, Supervisor Humphreys requested that in the future the Town Planning Board hold the developer responsible for cul-de-sacs, including mowing and maintenance.

COUNCILMAN WASZKIEWICZ:

Grants

Councilman Waszkiewicz stated that he had received the responses from the department heads as to what they've applied for in grants, and he provided a spreadsheet to the Town Board members. Councilman Waszkiewicz distributed information from Grant Consultant Connie Miner that he asked the Board to review. Councilman Waszkiewicz will be meeting with Duke Madjekowski and will have a report at the July 17, 2002 Town Board meeting.

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Update - Stormwater Management (Town-wide)

Councilman Waszkiewicz stated that some residents are requesting a letter from the Town stating the Town's position in stormwater matters so that they know how to pursue going forward (Tabor Road and Sedgewick Park residents). Councilman Waszkiewicz believed that the Attorney for the Town should draft this letter if the Town Board chooses to issue one. Attorney Rossi suggested that the residents send a letter of request, so that he might be able to better focus on a response; he will contact the Highway Superintendent to see what it is that the residents need. This issue might be able to be addressed at the Stormwater Management Meeting to be held on June 24, 2002.

Time-frame for Outside Completion of Buildings

Councilman Waszkiewicz and Codes Enforcement Officer Gerald Back met with several Towns regarding limitations and these towns have a clause allowing for re-permitting for building projects that have not been completed on time. CEO Back will give to the Town a written recommendation within the next two (2) to four (4) weeks.

Higby Road/Snowden Road Water Project

Councilman Waszkiewicz and Highway Superintendent Roger Cleveland met with the Upper Mohawk Valley Regional Water Board consultant and asked the consultant to appeal to Don Weimer to secure some level of funding for Snowden-Tibbitts Road area projects. These Projects seemed to acquire a lower number on the funding scale and it was even more imperative to have water board contribution to aid this project to reach a level to acquire funding. Donald Weimer of the Upper Mohawk Valley Regional Water Board will address funding for the Higby Road water tank at the next meeting, as well as Snowden Hill Road project.

Adelphia Cable Franchise

Vincent J. Rossi, Jr., Attorney for the Town, followed up with the Department of Public Services (DPS) and was informed that no other cable company can provide service in the Utica area. Regarding concerns that Adelphia has sought bankruptcy protection, Thomas Isabella of the DPS believes no loss of income would occur because Adelphia could be taken over by another company. Attorney Rossi stated that the Town couldn't make Adelphia provide the Town with a performance bond since it was not required in the franchise. The Town is stuck with the contract the previous Board entered into and there is not that much wrong according to Attorney Rossi, who added that the Town is in jeopardy of losing some money if Adelphia files bankruptcy. Councilman Waszkiewicz stated that he called Computel to see if they will perform a review of the past franchise payments, but he did not get a return call from them.

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Reappointment Request – Planning Board member

The Town Supervisor received a letter from Planning Board member Samuel Marchio, whose term will expire December 31, 2002 and he requested reappointment effective January 1, 2003. After a discussion, it was the Town Board’s consensus that there is a procedure in place about filling vacancies and that an appointment can’t be made until there is a vacancy. Councilman Waszkiewicz will take care of this matter.

Rescheduling Town Board Meeting

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

(RESOLUTION NO. 270 OF 2002)

WHEREAS, the Town Board Meeting is scheduled for July 3, 2002 at 7:00 P.M. at the Kellogg Road Community Center; and

WHEREAS, members of the Town Board will be out-of-town during this time and will be unable to attend the Town Board Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby reschedule the Wednesday, July 3, 2002 Town Board meeting to Tuesday, July 9, 2002 at 7:00 P.M. to be held at the Kellogg Road Community Center Building or, in the event the Kellogg Road building is otherwise occupied, the meeting shall be held at the Donovan Community Center Building, Elm Street, Chadwicks.

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.

Road Repair – Commercial Drive

Joseph Hage of Hage Carpet, 4661 Commercial Drive, had made inquiry if the NYS Department of Transportation (DOT) proposed to fix and repair that portion of Commercial Drive in front of his business. Town Board consensus was not to get involved since, as Councilman Backman stated, Commercial Drive is a state road, and not in the Town’s jurisdiction. Councilman Waszkiewicz mentioned stormwater management issues and he believed Hage Carpet had been negatively impacted. The

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storm drain facilities are not the Town's but Councilman Waszkiewicz maintains it affects Town residents and businesses. Town Supervisor Humphreys suggested sending a letter to DOT putting them on notice that area businessmen have complained about stormwater problems resulting from road reconstruction and hope they would hold the contractor responsible. Councilman Waszkiewicz will contact DOT.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

AUDIT OF VOUCHERS

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

(RESOLUTION NO. 271 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. 19	\$ 425.00
General Fund, Whole-Town Abstract No. 20	\$ 20.00
General Fund, Whole-Town Abstract No. 21	\$ 69,607.54
General Fund, Part-Town Abstract No. 12	\$ 21,419.99
Highway Fund Whole-Town Abstract No. 6	\$ 26,683.82
Highway Fund Part-Town Abstract No. 15	\$ 107.99
Highway Fund Part-Town Abstract No. 16	\$ 22,620.48
Sewer Fund Abstract No. 12	\$ 2,892.75
Street Light Fund Abstract No. 7	\$ 7,020.73
Water Fund Abstract No. 4	\$ 2,100.00
Air-Conditioning Project Abstract No. 3	\$ 6,030.00
TOTAL:	\$158,928.30

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

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Fiscal – Claims for Payment/Cellular Phone

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

(RESOLUTION NO. 272 OF 2002)

RESOLVED that, in order to avoid billing penalties, the Town Board of the Town of New Hartford does hereby amend Resolution No. 27 of 2002, adopted January 2, 2002, to include cellular phone bills that can be paid without prior audit of the Town Board.

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.

State Aid – Youth Programs

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

(RESOLUTION NO. 273 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor of the Town of New Hartford, New York to make application to the New York State Office of Children and Family Services for all youth funding projects for fiscal year 2003; and be it

FURTHER RESOLVED that the said Town Board, in submitting the various youth program applications, does hereby agree that:

- the Town of New Hartford will abide by the decision of the above-referenced agency as to the propriety of all expenditures upon which State aid is requested
- the programs will be operated in compliance with all laws, rules, regulations, resolutions, and codes of the State of New York and pertinent political subdivisions
- no youth will be denied the services or facilities of the programs because of race, creed, color or sex, and

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- no fee will be charged for programs, which are supported by State funds.

Beechwood Road Drainage Project

The Town Supervisor stated there are still five (5) easements that need to be signed by Beechwood Road property owners before this project can go forward. The Town Supervisor, Councilman Backman and Highway Superintendent Cleveland will visit these residents to see if they can secure the necessary easements.

Pay Phone Proposal

Town Supervisor Humphreys noted that two (2) pay phones currently in or on Town property/buildings are costing the Town approximately Nineteen Hundred Dollars (\$1900) a year and he suggested the Town purchase their own pay phones. The Town could then collect the money and would be able to eliminate the line charge and rent on the phone by hooking the phone into a Town line. A discussion was held on the possibility of placing the Mill Street phone inside and find out from the Parks and Recreation Director Michael Jefferys about maintenance or number of times services was needed on the phones. The cost of a new phone would be Thirteen Dollars Ninety-Three Cents (\$13.93) including installation and which carries a one (1) year warranty. A rebuilt phone would cost Nine Dollars Ninety-Three Cents (\$9.93) and has a six (6) month warranty. It was the consensus of the Board Members to defer this matter to the July 9, 2002 Town Board meeting.

ATTORNEY FOR THE TOWN:

SYLVAN WAY – HIGBY WOODLANDS DEVELOPMENT

Attorney Rossi had received a letter from Attorney William Kehoe proposing to deed the extension of Sylvan Way (Higby Woodlands Development) to the Town, including drainage easements radiating from the road and perpendicular to the various residential lots. Responding to Attorney Kehoe, the Town's Attorney objected to this proposal as the deed language mentioned the Town would maintain the road *and the drainage easements* and mentioned constructing and putting in stone. Attorney Rossi will discuss this matter with the Highway Superintendent.

THOMAS ACRES DEVELOPMENT – BENDERSON CORP.

Attorney Rossi received a letter from Attorney William Kehoe inquiring whether the Town was interested in purchasing eight (8) lots on the edge of wetlands bordering the Thomas Acres Development for a total of One Hundred Sixty Thousand Dollars (\$160,000). At one time, Benderson Development Corporation needed to identify additional land to satisfy the mitigation process involved with their Consumer Square shopping center project and to satisfy the Army Corps of Engineers and had ear-marked these lots; however, since the Consumer Square project was down-sized, Benderson no longer needed these lots. Subsequently, Benderson became involved in a proposed land sale between Realtor Joseph Carucci and the Presbyterian Home and now asks whether

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the Town is interested in acquiring these lots. Attorney Rossi and Highway Superintendent Cleveland will discuss this matter and look into whether these lands could be included in the Green Belt Project.

ASSESSMENT CERTIORARIS – APPRAISAL SERVICE

Attorney Rossi asked for authorization to hire Paul K. Hatzinger Associates to appraise the two (2) Karrat properties that would assist him in representing the Town on the assessment certiorari claims. The cost of a limited-scope appraisal on the vacant lot would be Five Hundred Fifty Dollars (\$550); the cost for a full-fledged appraisal would be Seven Hundred Fifty Dollars (\$750). For the restaurant parcel, the cost of a limited-scope appraisal would be Sixteen Hundred Fifty Dollars (\$1650) and for a full-fledged appraisal the cost would be Twenty-two Hundred Fifty Dollars (\$2250).

Attorney Rossi also requested authorization for an appraisal on the Salerno property. The small-scale appraisal for this property would be approximately Five Hundred Dollars (\$500).

Upon request of Attorney Rossi, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 274 OF 2002)

RESOLVED that the New Hartford Town Board does hereby retain the services of Paul K. Hatzinger Associates to perform limited-scope appraisals at a cost not-to-exceed Twenty-seven Hundred Dollars (\$2700) on the following parcels:

<u>Owner's Name</u>	<u>Property Address</u>	<u>Tax Map No.</u>
Nellie Karrat	8181 Seneca Turnpike (Restaurant)	328.005-4-33
Kozhaya Karrat, individually And as representative of the Estate of Chedid Karrat	Seneca Turnpike (Vacant Lot)	328.000-2-20
James and Patricia Salerno	1910 Tilden Avenue	340.000-2-23-1;

and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and directed to execute any and all contract documents relating to the aforementioned appraisals.

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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

REPORT OF SPECIAL COMMITTEES

Town Physical Building Facility Review Committee:

Councilman Waszkiewicz read from letter from Facility Review Committee Chairman Michael Stewart regarding recommendations for town offices, addressing purchase of land, design and competitive bid, as well as presentation for a public referendum. Councilman Backman recommended that letters be sent to each member of the Committee expressing the Town Board’s heartfelt thanks for the work they did and to let them know that their recommendations will be taken under serious advisement. The Town Board now needs to consider the recommendations of the Committee and look at funding and look at an architect. It was the consensus of the Board members that the Town Clerk forward letters of thanks to the Facility Review Committee members. Supervisor Humphreys does not agree with the recommendation to move the Assessor’s Office out of the Sanger Public Works Garage, but the Town Board does need to address the lack of space at the Sanger Public Works Garage *now*.

EXECUTIVE SESSION

The following Resolution was introduced for adoption by Councilman Waszkiewicz; seconded by Councilman Woodland:

(RESOLUTION NO. 275 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters involving real estate acquisition (Option Agreement), the Soggs – Longheretta certiorari (assessment) proceeding, and the Benderson Development Corp. assessment matter.

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 10:56 P.M. Those persons remaining at the Executive Session were Assessor Paul Smith, Codes Enforcement Officer Gerald Back and Vincent J. Rossi, Jr., Attorney for the Town of New Hartford.

[NOTE: The following transcript was provided by Councilman Woodland on Thursday, June 20, 2002.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 276 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, which resulted 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. The Executive Session ended at 12:03 A.M. on Thursday, June 20, 2002. The meeting was immediately adjourned with no action being taken.

Respectfully submitted,

**Margaret M. Jones
Deputy Clerk I**