

**SPECIAL 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,
JULY 24, 2002 AT 7:00 P.M.**

In the absence of the Town Supervisor who was out of State on business, Deputy Town Supervisor/Councilman Backman 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.

ABSENT: Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Assessor Paul E. Smith (Arrived at 8:25 P.M.)
Codes Enforcement Officer Gerald F. Back
Director of Senior Services M. Eileen Spellman
Dispatch Supervisor Jeffrey Madden
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
Vincent Rossi, Esq. Attorney for the Town (Arrived
at 8:10 P.M.)

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

MINUTES

Action was deferred on the Town Board minutes of June 19, 2002 and July 9, 2002.

PUBLIC PRESENTATIONS:

FOIL REQUEST – PAUL AND JOHN LONGERETTA

Attorneys Paul and John Longieretta were present relative to Paul Longieretta's FOIL request for 9-1-1 records. Although Paul Longieretta acknowledged that no formal denial had been issued to his May 29, 2002 request for 9-1-1 records of October 16, 2002, he believed that an excessive amount of time had passed since he filed his request.

Town Clerk Gail Wolanin Young apprised the Board of the following proceedings:

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- FOIL request received Wednesday, May 29, 2002
- FOIL request acknowledged within five (5) business days, on Wednesday, June 5, 2002
- FOIL request forwarded to Town Police Chief on June 5, 2002 for retrieval of records
- Week of June 10, 2002 discussed the FOIL request with Town Police Chief; question about confidentiality of 9-1-1 records
- June 17, 2002 discussed the FOIL request with Robert Freeman, Executive Director of the Committee on Open Government
- June 17, 2002 relayed conversation with Mr. Freeman to Town Police Chief who would review police records to determine if any could be disclosed to the public
- June 18, 2002 notified Paul Longieretta of progress in the matter, stating that a further reply to him would be forthcoming on or about July 1, 2002
- July 12, 2002 Paul Longieretta inquired about status of this request.

After further discussion, the Longierettas were informed that Attorney for the Town, Vincent Rossi, Jr. would join the meeting after 8:00 P.M. and that an opinion might be rendered after his review; however, if there are certain documents that are exempted from disclosure, the Town Board must be careful. If the Town Board should be wrong in denying access, then the records will be disclosed. The Town Board will make every attempt to resolve this matter by Friday, July 26, 2002.

Town Police Chief Raymond Philo interjected that he had been discussing this particular request with the Town Clerk and Attorney for the Town at great length. The issue is County Law, instituted by the State of New York, which prohibits the release of 9-1-1 records in any form, and which Law Attorney Longieretta has and Attorney Rossi has. Chief Philo doesn't have a problem with releasing records; at the same time, this is statutory law. He has records now but will not release them until he has a legal interpretation.

TELECOMMUNICATIONS ADVISORY COMMITTEE

Sidney Perry, Chairman of the Telecommunications Advisory Committee, requested that the Town of New Hartford forward a letter to **ADELPHIA** requesting payment of the 2002 first and second quarter franchise fees owed to the Town. He complained that

- Another rate increase would take effect in August 2002
- A channel is being offered which a number of subscribers don't want
- Adelphia subscribers must pay for the service one month in advance
- The Town's franchise fee is supposed to be received quarterly

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The Town Board explained that *ADELPHIA* is establishing a trust account which is a way that the bankruptcy court system has for holding *ADELPHIA*'s money in the event this cable company ceases to operate and that five (5%) percent is held back.

Councilman Waszkiewicz had talked with the Department of Public Service (DPS) this afternoon and had been told that their agency has put the *ADELPHIA* franchise agreement with the Town on hold and has not signed it. All cable franchise agreements within New York State are being held by the DPS in order to protect municipalities and two (2) bankruptcy attorneys have been hired to protect municipalities and to assure the municipalities that they do receive their franchise fees. *ADELPHIA* did agree to pay quarterly in the new agreement and they withheld payment because the franchise agreement had not be executed; therefore, the franchise agreement in effect is the old franchise agreement. When the new franchise agreement is signed and released by DPS, the agreement terms become effective retroactively and fees due the Town will be paid. Deputy Supervisor Backman's understanding is that should the Town withhold and/or cancel the franchise agreement, all cable viewers may be without cable service.

Edmund Wiatr stated that the Town needs to take more aggressive steps regarding franchise fees and he maintained that because the Town had signed the franchise agreement in December 2001, the franchise fees are due now. Councilman Waszkiewicz asked Mr. Wiatr to remain at the meeting until the Attorney for the Town is present to discuss the accurate contents of the franchise agreement. Councilman Waszkiewicz is actively pursuing those franchise fees, legally through the state system and so is the Attorney for the Town. The Deputy Supervisor stated that the Town Board will take Mr. Wiatr's concerns under advisement and will discuss them with the Attorney. Deputy Supervisor explained that he doesn't think that anyone here, residents or Town Board members, are happy with what is going on with *ADELPHIA* who must live up to their obligations in the franchise agreement. The bankruptcy puts a different color on the picture. We are trying to collect the money and to hold *ADELPHIA* to their Agreement. Deputy Supervisor Backman thanked the Mr. Perry and Wiatr for their input and thoughts on this matter. Public presentations ended at 7:28 P.M.

REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER:

Notification – Construction in Agricultural Districts

Councilman Waszkiewicz recently learned of agricultural notification to prospective property owners who purchase property or expand existing residences that their property may lie partially or wholly in an agricultural district and certain agricultural activities may cause dust, odor and noise. Councilman Waszkiewicz wanted this brought to the attention of Town Codes Enforcement Officer Gerald Jerry Back to see if this notification could be warranted in the Town of New Hartford. CEO Gerald Back asked Councilman

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Waszkiewicz if this notification is given any time there is a real estate transaction because the Assessor's Office doesn't receive property transfer notices until two (2) months after the deed has been recorded in the Oneida County Clerk's Office. The Deputy Town Supervisor suggested that the Town append the agricultural notification to the Building Permit that agricultural rights prevail. Councilman Waszkiewicz will contact other municipalities to see how they disperse this information to new property owners.

Training School

Upon request of Codes Enforcement Officer Gerald Back, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 293 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 Codes Enforcement Officer Gerald Back to attend the New York State Building Officials Conference from September 11-13, 2002 in Niagara Falls, New York, at a cost of Three Hundred Fifty (\$350) Dollars 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	-	ABSENT).

The Resolution was declared unanimously carried and duly adopted.

HIGHWAY SUPERINTENDENT:

Stormwater issues

Highway Superintendent Roger Cleveland explained that he is trying to develop some type of criteria for providing stormwater improvements other than right-of-way improvements and he identified four (4) criteria for the Board's consideration:

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- multi-property problem
- no apparent or existing or former interceptor or conveyance facility
- best solution is utilizing third (3rd) party property
- problem is directly related to facility conveying roadside water runoff.

The Deputy Town Supervisor asked the Public Works Committee to work with the Highway Superintendent on this matter.

Competitive Bid – Bituminous Concrete Paving

A Letter of Intent has been forwarded to Ocuto Blacktop after speaking with the other municipalities who are interested in “piggy-backing” on the Town’s paving contract. Attorney for the Town, Vincent Rossi, Jr. will review and must approve the bonds and insurance documents for this project. Upon the recommendation of the Highway Superintendent, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 294 OF 2002)

WHEREAS, the Town Superintendent of Highways did, on the 24th day of July 2002, duly recommend the purchase of certain materials 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 the County Superintendent of Highways, ***BITUMINOUS CONCRETE PAVING*** per the unit prices submitted by Ocuto Blacktop Paving Company, Inc., the low bidder, for a maximum aggregate amount of One Hundred Eighty Three Thousand Sixty-Nine Dollars and Twenty Cents (\$183,069.20); approximately Eighty Thousand (\$80,000) Dollars is for paving of Town roads and the remainder is for paving to be delivered and installed at various locations in the Villages of New Hartford, New York Mills and Yorkville, the Town of Whitestown, all of which entities shall reimburse the Town of New Hartford for such paving within their separate jurisdictions under this project. A Contract for this purchase shall be duly executed in triplicate between the Superintendent of Highways and such vendor, and when approved by the County Superintendent of Highways, it shall become effective. When the Contract has been executed and approved, upon delivery of the items purchased, the Supervisor shall pay the sum of One Hundred Eighty-Three Thousand Sixty-Nine Dollars and Twenty Cents (\$183,069.20) from current budgetary appropriations for the purchase of paving, contingent upon written approval from Vincent J. Rossi, Jr., Attorney for the Town of New Hartford.

The foregoing Resolution was duly put to a vote as follows:

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Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
(Supervisor Humphrey	-	Absent).

The Resolution was declared unanimously carried and duly adopted.

“Children At Play” Sign – Oakwood Drive

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

(RESOLUTION NO. 295 OF 2002)

RESOLVED that the Town Board does hereby authorize and direct the Highway Department to erect one (1) **“CHILDREN AT PLAY”** sign on Oakwood Drive.

The Town Board voted on roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
(Supervisor Humphrey	-	Absent).

The Resolution was declared unanimously carried and duly adopted

Competitive Bid - Small Plow and Sander

Highway Superintendent Cleveland stated that the Highway Department has taken delivery on the small dump truck with plow and sander this past week from Capglo Truck Sales, Inc. On the recommendation of the Highway Superintendent, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 296 OF 2002)

WHEREAS, bids were received for a Dump Truck with Plow and sander on March 15, 2002, and Capglo Truck Sales, Inc., low bidder, was awarded the bid for the vehicle; and

WHEREAS, Capglo Truck Sales, Inc. gave the Town of New Hartford a bid security deposit in the amount of Four Thousand Three Hundred Thirty (\$4,330) Dollars; and

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WHEREAS, the Highway Superintendent has taken delivery of the 2003 Model FL-70 Freightliner Dump Truck ID #1FVABTAK23HK67148 complete with Dump Body Plow and Sander;

NOW, THEREFORE, BE IT RESOLVED that upon receipt by the Town Clerk from the Highway Superintendent a letter acknowledging receipt of the above vehicle and that the vehicle meets all specifications, the Town Board of the Town of New Hartford does hereby direct the Bookkeeper to release from the Trust & Agency Account, the sum of Four Thousand Three Hundred Thirty Dollars (\$4,330) to Capglo Truck Sales, Inc. and does further direct the Town Clerk to return the bid security deposits (Bid Bonds) to all unsuccessful bidders.

The members of the Town Board voted upon roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
(Supervisor Humphrey	-	Absent).

The Resolution was declared unanimously carried and duly adopted.

Vacancy - Part-time Clerk / Highway - Codes Enforcement Office

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

(RESOLUTION NO. 297 OF 2002)

WHEREAS, Monica Bard has resigned her position as Part-Time Clerk at the Sanger Public Works Garage; and

WHEREAS, Catherine Koury is presently working as the temporary Part-Time Clerk, replacing Monica Bard, and will be leaving this position at the end of August, 2002;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize and direct Personnel Assistant Barbara Aiello to advertise for the position of a permanent, part-time Account Clerk at the starting wage of Seven Dollars and Fifty Cents (\$7.50) per hour.

The members of the Town Board voted upon roll call as follows:

Councilman Waszkiewicz	-	Aye
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Councilman Woodland - Aye
Councilman Butler - Aye
Councilman Backman - Aye
(Supervisor Humphrey - Absent).

The Resolution was declared unanimously carried and duly adopted.

Competitive Bid – Sanger Public Works Garage Roof Project

Highway Superintendent Cleveland reported that the following bids for the Sanger Works Garage Roof had been received and opened at the Town Clerk's Office on July 19, 2002:

J & B Installations, Inc.

Base Bid #1 - \$138,237.00
Base Bid #2 – Not Applicable
Base Bid #3 – Not Applicable
Alternate Bid #1 - \$33,900.00
Alternate Bid #2 & 3 – Not Applicable
Alternate Bid #4 - \$2,000.00
Alternate Bid #5 & 6 – Not applicable

Deluxe Roofing & Sheet Metal Corp.

Base Bid #1 - \$138,000.00
Base Bid #2 - \$159,000.00
Base Bid #3 - \$173,000.00
Alternate Bid # 1 - \$10,000.00
Alternate Bid # 2 - \$11,000.00
Alternate Bid # 3 - \$11,000.00
Alternate Bid # 4 - \$1,000.00
Alternate Bid # 5 - \$5,000.00
Alternate Bid # 6 - \$1,000.00

Pulver Roofing Co., Inc.

Base Bid #1 - \$107,000.00
Base Bid #2 - \$146,000.00
Base Bid #3 – Not Applicable
Alternate Bid #1 - \$21,000.00
Alternate Bid #2 - \$21,000.00
Alternate Bid #3 – Not Applicable
Alternate Bid #4 - \$1,200.00
Alternate Bid #5 - \$2,200.00
Alternate Bid #6 – Not Applicable

Lawrence Rieben & Sons, Inc.

Base Bid #1 - \$114,000.00
Base Bid #2 – Not Applicable
Base Bid #3 – Not Applicable

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Alternate Bid #1 - \$3,000.00
Alternate Bid #2 & 3 – Not Applicable
Alternate Bid #4 - \$900.00
Alternate Bid #5 & 6 – Not Applicable

Apparent low bidder, Pulver Roofing's Base Bid of One Hundred Seven Thousand (\$107,000) Dollars together with the Alternate Bid for insulation (\$21,000), and the Alternate bid for a fifteen (15) year warranty (\$1,200) equals a **Total Bid of One Hundred Twenty-Nine Thousand Two Hundred Dollars (\$129,200).**

Apparent second low bidder, Lawrence Rieben & Sons, Inc. had a Base Bid of One Hundred Fourteen Thousand (\$114,000) Dollars and with the Alternate Bid for insulation (\$3,000) and the Alternate Bid for a fifteen (15) year warranty (\$900) the **Total Bid would equal One Hundred Seventeen Thousand Nine Hundred (\$117,900) Dollars.**

The Board member's consensus is that the awarding the bid comes down to a choice of whether the Town wants tapered insulation for drainage of the roof.. Chuck Rieben of Lawrence Rieben & Sons, Inc. addressed the Board, stating that he was concerned about the bid and interested in doing the work. The main garage level is a ninety (90) foot by two hundred fifty (250) foot building with structural bar joists, forcing water to settle. According to Mr. Rieben, without tapered insulation, a fair amount of water would stand on the roof for extended periods of time and he commented that he wanted to make that point. Town resident, Jack Monahan of 11 Pinecrest Road, New Hartford, heard the reference to the standing water and inquired as to how long does it remain there. If for an extended period of time, is this a violation of health rules, i.e., West Nile Virus? Mr. Rieben explained that without tapered roof resolution there will be two (2) areas of standing water of at least one-half inch (1/2") deep and four (4) feet wide. Rubber manufacturers like to see that, within forty-eight (48) hours, any residual water almost reduced to zero. The referred to forty-eight (48) hours depends on the season, heat and cold. Presently, the roof on the Sanger Public Works Garage has tapered insulation. Mr. Rieben continued that the tapered insulation would have to be removed in order to install the rubber roof. Deputy Town Supervisor Backman stated then the Board has no choice. Councilman Waskiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 298 OF 2002)

WHEREAS, the Town Board received bids on July 19, 2002, for a New Roof at the Sanger Public Works Garage and all bids having been thoroughly canvassed;

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NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept the total low bid submitted by **Lawrence Rieben & Sons, Inc.** :

- \$114,000 - Base Bid No. 1
 - \$ 3,000 - Add on Alternate Bid #1 (Tapered Insulation)
 - \$ 900 - Add on Alternate Bid #4 (15-year Warranty)
- \$117,900

for the Sanger Public Works Garage re-roofing project and does hereby award the Contract for said project to **Lawrence Rieben & Sons, Inc.**

The Board Members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
(Supervisor Humphrey	-	Absent).

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

Training School

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

(RESOLUTION NO. 299 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 Deputy Highway Superintendent Anthony DeCuffa to attend the Eastern Winter Expo from September 4-5, 2002 in Charleston, West Virginia 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

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Councilman Backman - Aye
(Supervisor Humphreys - Absent.).

The Resolution was declared unanimously carried and duly adopted.

Training School

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

(RESOLUTION NO. 300 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 Highway Superintendent Roger Cleveland to attend the New York State Planning Federation Conference from October 1-3, 2002, in Saratoga Springs, New York 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 - Absent.).

The Resolution was declared unanimously carried and duly adopted.

Wage Adjustment / Highway Department Mason

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

(RESOLUTION NO. 301 OF 2002)

WHEREAS, from time to time during the summer months, Highway employee Christopher Moran performs certain masonry work as part of his employment within the Highway Garage; and

WHEREAS, the Highway Superintendent has recommended that Mr. Moran be fairly compensated during those times that he is performing masonry work;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize an increase in Christopher Moran’s hourly wage by an amount of Fifty Cents (\$.50) only to be paid when Mr. Moran is performing masonry-type work during the summer months; this hourly wage increase shall take effect Monday, July 15, 2002.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

Advisory Sign - “Blind Person Area”

Upon the recommendation of Highway Superintendent Cleveland and based upon the concurrence of Police Chief Raymond Philo, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 302 OF 2002)

RESOLVED that the Town Board does hereby authorize and direct the Highway Department to erect one (1) **“BLIND PERSON AREA”** sign on Sherman Drive in the vicinity of Smithport Road.

The Deputy Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

Paris Road Sewer Extension

The Highway Superintendent reported that last year an investigation was started regarding a sewer extension on Paris Road and that a rough cost estimate had been provided by an outside consultant. Superintendent Cleveland has been working with the residents in that area and he has checked into various funding methods. He had talked

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to Bond Counsel, Councilman Butler and Attorney for the Town Vincent Rossi as to a couple of difference ways this can be funded:

- totally by the benefited area
- totally by the Consolidated Sewer District, or
- as an improvement funded in part by the benefited area and in part of the Consolidated Sewer District.

Councilman Butler stated that residents have contacted him and they feel there should be improvements made in that area and then the area should be brought into the consolidated district. With the Town Board's concurrence, Councilman Butler will conduct a neighborhood meeting. Councilman Butler is aware of some new homes being built in that area. It is the feeling of Councilman Butler that the cost of this improvement should be distributed between the benefited property owners and the Consolidated Sewer District. It is the consensus of the Town Board that the Town moves forward on this project and that Councilman Butler hold a neighborhood meeting.

Water Improvement (former Washington Mills Water District & Snowden Hill Road area)

The Highway Superintendent had discussed with Attorney for the Town Vincent Rossi, and Bond Counsel Thomas Myers the Town's 1980's action to dissolve all water districts (except the Washington Mills Water District) and creation of a Consolidated Water District. The question now is whether the Town can incorporate the former Washington Mills Water District (which has been acquired by the Upper Mohawk Valley Regional Water Board) into the Consolidated Water District. Attorney Rossi will investigate this further and stated that there is no pressing need to make a change.

The Upper Mohawk Valley Regional Water Board is going to contribute to the proposed Water Extension on Snowden Hill.

VACANCY – PLANNER/GRANT WRITER

Since former Town Planner Jane Brouillette has declined the position of Planner/Grant Writer for the Town of New Hartford, it was the consensus of the Town Board that the Personnel Assistant immediately advertise with the Oneida County Personnel Department and then the Board will re-address this position at the August 7, 2002, Town Board Meeting. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 303 OF 2002)

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RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Personnel Assistant Barbara Aiello to advertise and seek applicants for the vacant Planner/Grant Writer position through the County of Oneida Personnel Department.

Upon roll call, The Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

ATTORNEY FOR THE TOWN:

Bromwich Road

Attorney Vincent Rossi had received a letter from Andrew Kowalczyk III, attorney for owners of property bordering Bromwich Road, advising that many years ago a Quit Claim Deed was given to the Town intended for a turn-around easement only (snowplows) and inadvertently the deed to the Town included not only Bromwich Road, but also the lot as well as the turn-around. The owners of the lot are requesting that the lot be deeded back to them so they can sell the property. The Highway Superintendent stated there is no need for the turn-around since the Highway trucks back down Bromwich Road. There are only two (2) houses at the dead end. It was clarified that the Town is in no way giving up rights to the road for an extension into the Hogeboom & Campfield property in which the Town had been interested for a municipal office complex behind the New Hartford Public Library.

Developer and owner of the lot, Jack Brunner, will provide the legal description and survey of the lot to the Attorney for the Town.

Upon recommendation of Vincent J. Rossi, Jr., Attorney for the Town, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 304 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Deed and all pertinent recording documents to effect the transfer of a lot at the dead-end part of and included as part of Bromwich Road from the Town of New Hartford to Jack Brunner and George Spinella, developers of the Oxford Towne Development. The Attorney for the Town shall complete the legal documents

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required for this Deed transfer to correct an inadvertent error made when the Oxford Towne developers deeded Bromwich Road to the Town many years ago; and

BE IT FURTHER RESOLVED that this transfer of ownership applies only to the lot at the dead-end part of Bromwich Road and not to any portion of the public, dedicated street known as Bromwich Road.

Upon roll call, The Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

DISPATCH CENTER SUPERVISOR:

Appointment - Part-Time Public Safety Telecommunicators

Upon the recommendation of Dispatch Supervisor Jeffrey Madden, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 305 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals as Part-time Public Safety Telecommunicators in the Dispatch Center at an hourly wage of Eight Dollars and Ninety-three Cents (\$8.93), payable bi-weekly; said appointments are effective July 29, 2002:

Thomas Cook
Joseph David
John Raymond
Tiffany Getchell
Laurie Marshall.

The Deputy Supervisor polled the Board members who voted as follows:

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

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The Resolution was declared unanimously carried and duly adopted.

AS/400 Computer Connectivity Cost

Upon the recommendation of the Town Bookkeeper, Councilman Waszkiewicz presented the following Resolution for Adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 306 OF 2002)

WHEREAS, the Town Board on April 3, 2002 adopted Resolution No. 165 relative to the distribution of costs for connectivity to the Accounting Department's AS/400 computer to various departments; and

WHEREAS, since that time, Bookkeeper Carol Fairbrother had identified available funds for this expense in General Fund Account No. 1680.41;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby rescind Resolution No. 165 adopted April 3, 2002 and does hereby authorize the connectivity costs to the AS/400 computer to be paid from General Fund Account No. 1680.41.

Thereafter, the Deputy Supervisor requested a vote upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF SPECIAL COMMITTEES

TOWN PHYSICAL BUILDING FACILITY REVIEW COMMITTEE:

Councilman Butler inquired whether the Town had any cost estimates – if the Town purchases the Hogeboom & Campfield property, is there a cost currently to getting that property ready to build on. It was his understanding that when NYS Route 8 was constructed, some land was taken out of the Hogeboom & Campfield property. Councilman Waszkiewicz stated that the Committee was charged to review the property and identify comparables and Councilman Waszkiewicz feels that it is up to the Town Board to determine those costs or set in motion the process to confirm this is a viable option. The Deputy Supervisor asked the Board members if they have received the State's letter confirming there is no Route 8 access to the Hogeboom & Campfield property; basically, the Hogeboom & Campfield has only one access and that's on

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Oxford Road. Councilman Woodland asked if Town had any conversations with the State and Councilman Waszkiewicz said that he had talked to the New York State Department of Transportation (DOT), and it is his understanding that the DOT is not excluding anything... the Route 8/12 interchange, Judd Road, etc. – everything's up for discussion. Councilman Woodland believes that access to Route 8 would help response time for the Police Department. The Police Chief remarked that clearly the Route 8 access (whether there or not) - is an important issue, and if that's not available, the Town will have to look at any other options for that property. The Police Chief made his choice of locations based on the Town having access to Route 8. Referring to the New Hartford Street site housing the Sanger Public Works Garage (Highway, Engineering, Sewer, Codes, Assessor), driving into the City of Utica on the North-South Arterial and maneuvering into a suggested north-bound left-hand exit onto Lomond Place was not something the residents, who need to have access to the new Town facility, should have to do. Councilman Backman stated that the NYSDOT not allow a traffic light on Route 12 going North for a left-hand turn. Councilman Waszkiewicz made a motion to have the Highway Superintendent put together some RFPs for architects and/or site developers to find out the real costs, fill, drainage, bricks and mortar for a multi-use complex on the site and to have them identified by the August 7, 2002, Town Board Meeting. Councilman Butler seconded the motion.

The following Town residents then spoke:

- **Nate Richmond** has a real concern of putting a municipal building near the Library due to increased traffic, difficult egress onto Oxford and municipal. complex would make traffic unbearable and changed residential character of that section of Town. Mr. Richmond suggested using the vacant Agway site on Kellogg Road.
- **Mike Cackett of Woodberry Road** is not happy to have the building in that area.
- **Henry and Joan Heinlein of 129 Oxford Road**, who lives across from the Library, sited the fill that was needed to elevate parking lot and building of Library; and they know that the Library wants to expand their facility in the future. The Heinlein's further stated that the municipal complex would be in a swamp and the Town would have to bring in fill to the site to build and there is no Route 8 access. If land built up for municipal complex, Henry stated that their property would be five to six (5-6) feet lower than the municipal property and then he would have a problem with flooding. Mr. Heinlein stated that he surveyed his neighbors and the people said they'd like to develop the site for footpaths, etc. Councilman Waszkiewicz state that there are forty (40) acres on this site..
- **Jim Chapman, 17 Harrogate Road**, stated that his backyard would be the front yard of the municipal complex and he's concerned with where an access road would be. Mr. Chapman opposes use of Bromwich Road as an access to the \

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complex. There is more than enough traffic in the development now without adding more.

- **Ray Huntley of 1 Bromwich Road**, stated that it took so long to get a nice library to be wrecked with this new complex. This is going to affect the value of homes.
- **N. Joseph Yagey, Planning Board Chairman**, stated that if the town decides to build, the Town would be subject to SEQR review and all these comments would be under review.
- **Lois Humphreys** if no access to Route 8 or egress, what effect would this have on the school buses and traffic in the Village.
- **Mary LaCourt, 52 Woodberry Road** opposes the municipal complex near the Library. Oxford Road Elementary school offers field trips to the Library and the students usually walk.

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

(RESOLUTION NO. 307 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to solicit Requests For Proposal (RFP's) for the estimated costs for fill, drainage, bricks and mortar, etc. for a multi-use municipal complex at an unspecified site, in addition to other data normally requested in an RFP.

The Board members were polled and voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Grant Writer

Councilman Waszkiewicz has spoken with Connie Miner, and she is willing to work on an hourly basis. She'll try to get a list of grants for the Police Department and for Parks and Recreation by the August 7, 2002 meeting. Councilman Waszkiewicz stated that Ms. Miner would be willing to work on grant applications for the Police/Parks Departments at

no cost and the Town Board would select which grants. Councilman Butler asked if Connie would identify any grants available for fire departments. Councilman Waszkiewicz replied none have been identified at this time.

Stormwater – Ney Avenue

Through a member item, NYS Senator Meier had made funding available to offset some of the costs that Utica College incurred for engineering to resolve stormwater issues affecting Ney Avenue.

Franchise Agreement - ADELPHIA

Deputy Supervisor relayed to Vincent Rossi, Attorney for the Town, a summary of the public presentation made by the Messrs. Perry and Wiatr earlier during the Town Board meeting. Attorney Rossi stated there is no chance that a letter from him seeking the quarterly franchise fees will do any good. The Federal Bankruptcy Court acts like a special box of money and makes payments to people who are entitled to receive the money. The Town will not get money until or unless the Bankruptcy Court authorizes it. The Town will get 5% (franchise fee) eventually BUT NOT NOW. Attorney Rossi will make a verbal inquiry to the Bankruptcy Court. Councilman Waszkiewicz is suggesting a letter be sent that the quarterly payments are due and that the Town wants the money now. Attorney Rossi says no, because the Department of Public Service hasn't released yet the Town's Franchise Agreement with ADELPHIA. Apparently they haven't determined whether the Town should be bound by the Franchise Agreement. The consensus of the Town Board is that Attorney Rossi does nothing and asked the Town Clerk to send a letter to Sidney Perry stating that the Town is taking no action at this time.

Railroad Crossings – Rubberized to Concrete Grade Crossings

Councilman Waszkiewicz informed the Board members that he had contacted the NYS Department of Transportation regarding the request for concrete grade crossing at Kellogg Road, a County highway, and the Department of Transportation does not have jurisdiction. Deputy Supervisor Backman asked Attorney Rossi if the Oneida Street and Elm Street crossing could also be done. Attorney Rossi will contact Oneida County regarding this request.

Economic Development Zone Update

Councilman Waszkiewicz distributed a letter that he had received regarding the Empire Zone Benefits Information Sessions.

Safety Committee - OSHA Review

Attorney Vincent Rossi stated that when the Safety Committee has a meeting, an OSHA representative will provide material and do a walk through to identify any potential violations to avoid any citation. The Personnel Assistant was to have revised the Committee's draft rules based upon Attorney Rossi's comments and he hadn't seen the revisions yet. The Town Board and Mr. Rossi will read and digest the rules and suggested changes and report at the August 7, 2002 Town Board meeting.

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MATTERS SUBMITTED BY DEPUTY SUPERVISOR:

AUDIT OF VOUCHERS:

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

(RESOLUTION NO. 308 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. 24A	\$ 170.50
General Fund, Whole-Town Abstract No. 23	\$ 48,026.12
General Fund, Whole-Town Abstract No. 24	\$ 67,078.03
General Fund, Part-Town Abstract No. 14	\$ 15.50
General Fund, Part-Town Abstract No. 15	\$112,468.15
General Fund, Part-Town Abstract No. 16	\$ 2,690.18
Highway Fund Part-Town Abstract No. 18	\$ 4,850.00
Highway Fund Part-Town Abstract No. 19	\$ 18,763.18
Highway Fund Part-Town Abstract No. 20	\$167,535.93
Sewer Fund Abstract No. 15	\$ 129.47
Sewer Fund Abstract No. 14	\$ 7,445.76
Street Light #8	<u>\$ 6,554.19</u>
TOTAL:	\$435,727.01

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

PURCHASE ESTIMATE - CARPET CLEANING

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

(RESOLUTION NO. 309 OF 2002)

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RESOLVED that the New Hartford Town Board does hereby accept the quote of One Hundred Forty-one Dollars and Twelve Cents (\$141.12) from Carpet Upholstery and Cleaning Co. to clean the carpet in the Kellogg Road Community Center Building and does hereby authorize and direct the expenditure to be paid from the Buildings and Grounds Account.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

EXECUTIVE SESSION

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

(RESOLUTION NO. 310 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the following:

Legal Advice on Benderson Certificate of Occupancy
Planning Board – Benderson (Consumer Square)
D’Onofrio Litigation
Rende Vs. Town
Option Agreement on real estate
Two (2) Tax Certiorari on Seneca Turnpike
Property Acquisition in 1st and 4th Wards
FOIL situation with Longeretta.

A roll call vote ensued:

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

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Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy Town Clerk, were then excused from the meeting at 9:31 P.M.

[**Note:** The following transcript was provided by Councilman Waszkiewicz on Thursday, July 25, 2002.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 311 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	-	Absent).

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 11:02 P.M. The regular portion of the Town Board meeting was reconvened at 11:03 P.M.

LOCAL LAW (1997) – ZONE MAP AMENDMENT CONDITIONS (CONSUMER SQUARE)

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

(RESOLUTION NO. 312 OF 2002)

RESOLVED that the Town Board does hereby rescind Resolution No. 230 of 1997; Section F, which requires a ten (10) year tax assessment agreement between Benderson and the Town of New Hartford.

The Board Members were polled and voted as follows:

Councilman Waszkiewicz	-	Nay
Councilman Woodland	-	Aye

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Councilman Butler	-	Aye
Councilman Backman	-	Aye
(Supervisor Humphreys	-	Absent).

The Resolution was carried and duly adopted.

FOIL Request – Paul Longeretta

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

(RESOLUTION NO. 313 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does direct the Attorney for the Town of New Hartford Vincent Rossi, Jr., to send a letter to Attorney Paul Longeretta advising him that the Town Board has denied his May 29, 2002 FOIL request based on the specifics of the documents. Furthermore, the Town Board has instructed the Attorney for the Town of New Hartford to advise Mr. Longeretta that no record actually existed to send even if the FOIL request could be legally fulfilled.

The Board Members were polled and voted as follows:

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

The Resolution was carried and duly adopted.

ADJOURNMENT

There being no further business to be brought before the Town Board, upon motion of Councilman Waszkiewicz and seconded by Councilman Butler, the meeting was adjourned at 11:06 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk

Margaret M. Jones
Deputy Town Clerk