

**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,
AUGUST 21, 2002 AT 7:05 P.M.**

The Town Supervisor called the meeting to order at 7:05 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: Codes Enforcement Officer Gerald Back
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.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Non-Budgeted Item - Funding Request

Director of Senior Services Eileen Spellman explained that the cost for two (2) buses to transport New Hartford senior citizens to the State Fair (free admission for seniors on August 26 and 27, 2002) had been budgeted but she now finds it necessary for a third bus. After some discussion, Councilman Butler presented the following resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 334 OF 2002)

WHEREAS, the Director of Senior Services has requested permission to charter a third bus in the amount of Three Hundred Sixty Dollars (\$360.) to transport New Hartford senior citizens to the New York State Fair in Syracuse, New York on either August 26 or August 27, 2002;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford, does hereby authorize the expenditure of Three Hundred Sixty Dollars (\$360)

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for the third bus, with said expense to be paid from the Senior Citizen contractual expense; and be it

FURTHER RESOLVED that each senior citizen transported by the three (3) buses to the New York State Fair shall pay One Dollar (\$1) for their transportation and a One Dollar (\$1) fee for the bus driver tip.

Director Spellman anticipated revenue of Two Hundred Dollars (\$200) from this trip. Thereafter, the Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

ASSESSOR:

Budgetary Transfer

Upon request of Assessor Paul Smith who stated his existing computer is not functioning well, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz.

(RESOLUTION NO. 335 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to transfer Nine Hundred Dollars (\$900) from the Assessor Contractual Account No. A1355.4 to the Assessor Equipment Account Number A1355.2 for the purpose of purchasing a new Computer from ESI, Washington Mills, New York under State Contract No. PT55406.

The Town Board voted upon roll call:

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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Request for Proposal - Revaluation Project

The Assessor submitted copies of Requests for Proposal regarding the on-going revaluation program for fiscal year 2003 and stated that he prefers RFP Number One. Upon request of Councilman Butler, Assessor Smith explained that RFP Number One is a one (1) year contract for Thirty-five Thousand Dollars (\$35,000), but not to exceed Forty-four Thousand Dollars (\$44,000); it includes a contingency if State requires the Town to take certain unexpected action. The Assessor believed Mr. Maxwell was paid \$30,000 for last year's work. Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz.

(RESOLUTION NO. 336 OF 2002)

WHEREAS, the Assessor solicited Requests for Proposal for continuation of the revaluation program in fiscal year 2003 and submitted copies of same to the Town Board;
And

WHEREAS, Maxwell Appraisal Services submitted an RFP in the amount of Thirty-Five Thousand Dollars (\$35,000) but not to exceed Forty-four Thousand Dollars (\$44,000) for a one-year contractual agreement; and

WHEREAS, said RFP is on file in the Assessor's Office, 111 New Hartford Street, New Hartford, New York;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of The Town of New Hartford tentatively accepts the RFP submitted by Maxwell Appraisal Service and authorizes the Assessor to issue a Letter Of Intent to Award the RFP to Maxwell Appraisal Service in accordance with the RFP submitted.

Upon roll call the board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Abstained, because he believed this

matter was directly related to the Cherrywood certiorari case.

Thereafter, the Supervisor declared the Resolution carried and duly adopted.

CODES ENFORCEMENT OFFICER:

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Agricultural District vs Agriculturally zoned property

Councilman Waszkiewicz and Codes Enforcement Officer Gerald Back have discussed the proposal. Supervisor Humphreys asked the Codes Enforcement Officer if he could incorporate some sample from the realtor law to include in the building permit process. The Codes Enforcement Officer stated the Building Permit requires the zoning classification so the applicants already know what their property is zoned. However, if property is in an Agricultural District (different from agriculturally zoned district), applicants have to fill out a specific form. Councilman Backman says the people getting the building permits do not have a schedule of uses in the District and aren't aware of various uses (liquid manure, etc.). Councilman Butler thinks its duplication. Councilman Waszkiewicz stated that he thinks the people buying in the Village are able to smell liquid manure from a farm. Councilman Waszkiewicz is going to contact the Board of Realtors to see how they define an Agricultural District.

PARKS AND RECREATION DIRECTOR:

Grant – Donovan Memorial Park Playground Equipment

Upon request of Parks and Recreation Director Michael Jeffery, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 337 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Parks and Recreation Director Michael W. Jeffery to execute **Grant Contract No. PKS-02-CE-009** for the reimbursement amount of Ten Thousand Dollars (\$10,000) and **Grant Contract No. PKS-02-CE-063** for the reimbursement amount of Five Thousand Dollars (\$5,000) for the installation of **playground equipment** in the **Donovan Memorial Park**, Elm Street, Chadwicks in said Town during 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.

Resolution No. 337 was thereafter declared unanimously carried and duly adopted.

Job Title Changes

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

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(RESOLUTION NO. 338 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and authorize the following **job title changes** in the **Parks and Recreation Department** as requested by the Oneida County Personnel Department, in accordance with New York State Civil Service rules and regulations, effective immediately:

<u>Name</u>	<u>Civil Service Title</u>
Michael Jeffery, Director of Parks & Recreation	Director of Recreation Programs (Competitive)
John Cunningham, Recreation Center Manager	Director of Recreation Center (Competitive)
Maureen Owens, Secretary	Clerk/Typist (Competitive)
Brian Jenny, Park Foreman	Working Supervisor (Non-Competitive)
Mark Roller, Recreation Center Foreman	Working Supervisor (Non-Competitive)
(Vacant) Laborer I/Crew Supervisor	Recreation Maintenance Worker (Non-Competitive)
Jim Campbell, Laborer II/Crew Supervisor	Recreation Maintenance Worker (Non-Competitive)
Vacant, Laborer II/Crew Supervisor	Recreation Maintenance Worker (Non-Competitive)
Sheldon Gordon, Recreation Center Custodian	Laborer (Non-Competitive)

A roll call was taken and 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.

Vacant Positions

Upon recommendation of Parks and Recreation Director Michael Jeffery, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 339 OF 2002)

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WHEREAS, full-time Parks and Recreation employees Justin Gehringer and Gregory Jones have resigned for employment elsewhere;

BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Personnel Assistant to advertise through the Oneida County Personnel Department and the State Civil Service Office the two (2) vacant, full-time Recreation Maintenance Worker positions.

A roll call was taken and 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.

Part-Time Appointment

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

(RESOLUTION NO. 340 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint **Brian Smith** as a **Part-time Park and Recreation Aide II** in the Parks and Recreation Department at an hourly rate of Seven Dollars and Twenty-Five Cents (\$7.25); payable by-weekly. Mr. Smith's appointment is effective Friday, August 23, 2002 through Sunday, December 1, 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.

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Southern Reservoir - Upper Mohawk Valley Regional Water Board (UMVRWB)

Councilman Waszkiewicz stated that if there is an interest, the UMVRWB, as the Town Supervisor mentioned, hasn't established a plan as to what they are going to do about the Southern Reservoir along Valley View Road but are open-minded and would address the issue, which is consistent with what the Town has heard over the past couple years. It is Councilman Waszkiewicz' feeling that the Town should pursue this matter at some level. Parks and Recreation Director Michael Jeffery and Councilman Waszkiewicz could work on this or set up a Committee. The Town Supervisor stated that the UMVRWB is not ready to de-commission. Councilman Waszkiewicz stated that the UMVRWB is not ready at this time and there is no time line to de-commission. Councilman Waszkiewicz further stated that he is interested in discussing the potential of developing the reservoir for aquatic purposes. In de-commissioning the reservoir, the property's ownership would revert to the Town of New Hartford and the City of Utica as per Councilman Waszkiewicz and Michael Jeffery agreed.

PUBLIC HEARING

8:03 P.M.

**PUBLIC HEARING ON LOCAL LAW
INTRODUCTORY No. TWO, 2002**

The Town Supervisor opened the Public Hearing at 8:03 P.M. and announced the purpose of the Hearing was to consider Local Law Introductory No. Two of 2002 which, if adopted, would amend the code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, 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) and specifically, to include Congregate Residence as a Site Plan Review Use. The Town Clerk presented the Notice of Public Hearing, Affidavit of Posting, Proof of Publication (Observer Dispatch August 10, 2002), and the recommendations of approval from the Oneida County Planning Department and the Town Planning Board.

Codes Enforcement Officer Gerald Back explained that a portion of this area had been omitted from the Zoning Law and he would like to incorporate Congregate residence into this particular area for PDMU that is located along Middlesettlement Road (County highway) near Twin Orchards. There has been some interest expressed in this type of facility.

The Town Supervisor inquired if anyone present wished to speak in favor of Local Law Introductory No. Two. No one came forth; however, Shirley Riggals, 18 Golf Avenue, New Hartford inquired as to what the Amendment was about and Codes Enforcement Officer Gerald Back explained that it is for a senior citizen complex and that any future development would have to be approved by the Town Planning Board.

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Town Supervisor Ralph Humphreys then inquired if anyone present wished to speak in opposition to Local Law Introductory No. Two. No one having come forth, the Supervisor closed the Public Hearing at 8:09 P.M.

Councilman Woodland offered that Local Law Introductory No. Two of 2002 be adopted as Local Law No. One of 2002 in the following format; seconded by Councilman Waszkiewicz:

**TOWN OF NEW HARTFORD
LOCAL LAW NO. ONE OF 2002**

A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, 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).

BE IT ENACTED by the Town Board of the Town of New Hartford, New York as follows:

SECTION 1. Chapter 118 of the Code of the Town of New Hartford, the Schedule of Use, Area and Bulk Regulations for a PDMU – Planned Development Mixed Use District, is hereby amended as follows:

Schedule of Use, Area and Bulk Regulations for a PDMU

Add the following:

<i>Site Plan Review Uses:</i>	Congregate Residence
<i>Minimum Lot Size (Area):</i>	20,000 square feet
<i>Minimum Lot Size (Minimum Width):</i>	100 feet
<i>Minimum Lot Coverage:</i>	40%/50%
<i>Minimum % of Lot to be Permeable:</i>	60%/50%
<i>Maximum Building Height:</i>	35 feet
<i>Minimum Yard Dimensions (front):</i>	50 feet
<i>Minimum Yard Dimensions (each side):</i>	15 feet
<i>Minimum Yard Dimensions (rear):</i>	30 feet

SECTION 2. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

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SECTION 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

The Local Law was voted on as follows:

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

The Supervisor declared Local Law Introductory No. Two of 2002 unanimously carried and duly adopted as Local Law No. One of 2002.

POLICE CHIEF:

Monthly Report

Police Chief Philo distributed his departmental monthly report for July 2002.

Federal Grant – Bullet Proof Vests

The Police Chief informed the Board that the Town of New Hartford will receive reimbursement for fifty (50%) percent of the cost of Bullet Proof Vests from the federal government. The vests totaled Two Thousand Sixteen Dollars (\$2,016). The Chief will file for electronic reimbursement in October 2002.

Rabies

Two (2) rabies cases have been confirmed in Town of New Hartford (raccoon in Paris Road area and a woodchuck in the Town Park). This could become a serious problem. The Chief wanted to bring this to the Town's attention – where there are two (2), there is considerably more among wild animals.

West Nile Virus

The Police Chief stated that a second confirmed West Nile virus dead bird has been found. The Oneida County Health Department is taking samples from stagnant water areas and any unattended swimming pools and people are being turned in to Oneida County for violations of the health law.

Animal Control Services

The Animal Control Officer has been called to remove dead animals such as squirrels and birds from private yards; although this is not a requirement for the Animal Control

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Office, the Town does it as a courtesy. Any overtime for Animal Control to remove these carcasses has to be approved by the Police Chief. Some residents do not understand that the Animal Control Officer cannot come to their homes after hours until they receive approval from the Chief to do so.

Speeding and Buckle Up Grant

For the October 1, 2002 – September 30, 2003 period the Police Department will receive a Forty-Seven Hundred Dollar (\$4,700) Speeding and Buckle-Up Grant from New York State, according to the Police Chief. This amount is in addition to an estimated Fifteen Thousand Dollars (\$15,000) State Traffic Safety Grant.

HIGHWAY SUPERINTENDENT:

Competitive Bid – Sidewalks

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

(RESOLUTION NO. 341 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford shall receive sealed bids for the replacement of sidewalks, in accordance with Town specifications. All bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Tuesday, September 3, 2002 and then shall be publicly opened and read aloud at 11:00 A.M. on said date in said Office; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Competitive Bid Results/Award Contract – Stainless Steel Sander Box

The following bids were received on August 21, 2002 for one (1) sander box:

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Roberts Equipment		
Base Bid	-	\$8,495.00
Bid #2	-	7,777.00
Utica Mack	-	6,822.00
Wayne's Welding		
Base Bid	-	7,100.00
Option – Screens	-	Add \$850.00

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

(RESOLUTION NO. 342 OF 2002)

WHEREAS, the Town Superintendent of Highways did on the 21st of August, 2002, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of County Superintendent of Highways, one (1) stainless steel sander box as per Town specifications from Utica Mack, Inc., Route 49, box 9, Marcy, NY 13416, for a maximum price of Six Thousand Eight Hundred Twenty-two Dollars (\$6,822), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, NY, approximately forty-five (45) days after the order is received. A contract for the item purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent, it shall become effective. When the contract has been executed and approved, and upon delivery of the item purchased, the Town Supervisor shall pay the amount of Six Thousand Eight Hundred Twenty-two Dollars (\$6,822) from budgetary appropriation for purchase of equipment pursuant to the Local Finance Law.

Upon roll call, the Town Board voted as follows:

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

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The Resolution was declared unanimously carried and duly adopted

Bid Security Refunds – Stainless Steel Sander Box

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

(RESOLUTION NO. 343 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to refund from the Trust and Agency Account any Bid Security Deposit submitted by a vendor for the *Stainless Steel Sander Box* and for the Town Clerk to return all Bid Bonds to unsuccessful bidders; the Bid Bond for the successful bidder shall be returned only upon the Town Clerk’s receipt of written verification from the Highway Superintendent that the sander box has been delivered and that the equipment meets or exceeds Town specifications.

The Town Board voted upon roll call as follows:

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

Resolution No. 343 was declared unanimously carried and duly adopted.

Competitive Bid – Sanger Public Works Garage Roof

The following bids were received on August 21, 2002, for removal of the existing roof and to install a new roof on the Sanger Public Works Garage:

Deluxe Roofing & Sheet Metal Corp.		
Base Bid No. 1 – 15 Year Warranty	-	\$136,300.00
10 Year Warranty	-	135,500.00
Base Bid No. 2 – 15 Year Warranty	-	123,500.00
10 Year Warranty	-	122,700.00
Pulver Roofing Co. Inc.		
Base Bid No. 1	-	118,000.00
Base Bid No. 2	-	106,000.00

Councilman Backman recommended that the Board reject the bids, and Town Supervisor Ralph Humphreys says that Lawrence Rieben & Sons, Inc. didn’t bid this time because

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bid specification were not detailed enough. Supervisor Humphreys feels that this is his fault because he “scraped” the professional specifications and thought the Town could draft specifications because it was only a roof. Rieben stated to the Town Supervisor that there was no mention of asbestos and various Contractors pointed out some discrepancies in the specifications. Vincent Rossi, Jr., Attorney for the Town, suggested that the Town should have the specifications prepared by an architect or professional engineer. The matter will be discussed later during the meeting.

PUBLIC PRESENTATIONS

RECREATIONAL TRAIL – JUDD ROAD CONNECTOR :

Stephen Zywiak, P.E., Regional Design Engineer from the New York State Department of Transportation (NYSDOT) discussed the following concerns the Town had about the State’s request that the Town maintain a Recreational Trail running from New Hartford Street (Sanger Public Works Garage) to the base of Judd Road to a point at the Clinton Street cul de sac and to Commercial Drive to the North, beyond the signal at the Consumer Square Mall property:

- that maintenance of the trail would include keeping the trail clean so that pedestrians and bicyclists can use the trail safely. Maintenance would include mowing the area directly adjacent to the trail. The proposed material adjacent to the trail is such that a membrane is not recommended for weed control. An occasional Roundup or mowing should keep weeds to a minimum
- anticipation that Niagara Mohawk would utilize the trail to access transmission lines along the corridor. Should Niagara Mohawk damage the trail surface, it is anticipated repairs will be made through agreement with NYSDOT; otherwise, the four-inch asphalt-wearing surface should not require repair for many years.
- the matter of snow and ice control and that a revised resolution include language that the trail is for seasonal use within the Town’s jurisdiction and which should limit liability
- Federal Law [23 CFR 652.7 (b)(3)(ii)] states that a public agency must have formally agreed to accept the responsibility for the operation and maintenance of the facility, and an all motorized vehicles other than maintenance vehicles or snowmobiles where permitted by State or local regulations, from pedestrian walkways and bicycle paths
- that a Trail sign identifying the “Judd Road Trail”, including a town designation, will be placed at all access paths.

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Dialogue continued with Mr. Zywiak to meet with NYSDOT officials and report to the Town Board prior to any action being taken by the Town.

REPORTS OF TOWN OFFICIALS (CONTINUED)

HIGHWAY SUPERINTENDENT

Competitive Bid - Sanger Public Works Garage Roof (Continued)

While the Town Attorney for the Town of New Hartford reviewed the warranty on the roof bid, the Board continued to the next subject.

Constituent Complaint - Genesee Street, State highway

The Highway Superintendent received a letter from Jerry Orsaeo, 141 Genesee Street regarding a "dip" in Genesee Street, a State highway, near Slusser Ave that allows for the accumulation of water during rainy weather. Because Mr. Orsaeo has not received a satisfactory response from the New York State Department of Transportation, Town Board consensus was that the Highway Superintendent be authorized to write a letter to the NYS Department of Transportation regarding this situation.

Chenango Road Paving - Bridge

Chenango Road is partly in the City of Utica and partly in the Town of New Hartford. Currently, the City of Utica is paving their portion of Chenango Road; but it is not expected that New Hartford's portion will be paved until after the Judd Road Connector project has been completed. The bridge is not expected to be replaced for two (2) or three (3) years; during the Town's 2003 paving season, efforts will be made to apply a thin coat of paving material on this bridge. It is the consensus of the Board that the Highway Superintendent Roger Cleveland will see what can be done about the bridge portion of Chenango Road.

Proposed Stormwater Drainage District – Higby Road

Some Higby Road residents, between Chapman Road and the Utica City boundary line near Oneida Street, had contacted Highway Superintendent Cleveland about enclosing the drainage ditches fronting their property. A special district could be created and the property owners benefited would pay for the work to be done. Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler.

(RESOLUTION NO. 344 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement for Consulting Engineering Services with Al Swierczek, P.E., at a not-to-exceed cost of Twenty-seven Hundred Dollars (\$2700); the scope of work is defined in an August 8, 2002

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communication to Highway Superintendent Roger Cleveland for the proposed Higby Road Stormwater Drainage District.

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.

Competitive Bid – Release Bid Bonds / Bituminous Concrete Paving Program

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

(RESOLUTION NO. 345 OF 2002)

WHEREAS, the Town Board received bids on June 14, 2002, for the Bituminous Concrete Paving of various Town roads; and

WHEREAS, on June 19, 2002 the Town Board accepted the low bid submitted by Oconto Blacktop Paving Co., Inc. and awarded the purchase contract to said vendor;

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

- Hanson Aggregates
- Barrett Paving Materials, Inc.
- North Paving Company

The Bid Bond submitted by Oconto Blacktop Paving Co., Inc. shall be released only upon the Town Clerk's receipt of written verification from the Highway Superintendent that the paving program has been completed in accordance with Town specifications.

Upon roll call, the Board members 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.

Competitive Bid – Sanger Public Works Garage Roof (Warranty)

Vincent Rossi, Jr., Attorney for the Town, having completed his review of the Warranty associated with the replacement of the Sanger Public Works Garage roof, explained that the Warranty leaves the Town open to claim that a leak could be caused due to design flaw and that the Warranty has exclusions such as leaking caused by ponding for more than forty-eight (48) hours, etc. Councilman Backman stated that the matter should be tabled for additional information until the next Board Meeting. Depending on additional information, if the Town must re-advertise for bids, Highway Superintendent Roger Cleveland will write the Town Board and let them know what needs to be done. Based upon the findings of the Highway Superintendent Roger Cleveland, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 346 OF 2002)

WHEREAS, the Town Board of the Town of New Hartford received bids (2nd process) on August 21, 2002 for the replacement of the roof on the Sanger Public Works Garage; and

WHEREAS, the Town Board, Highway Superintendent and Attorney for the Town have discussed the bid specification contents, matter of asbestoes, tapered insulation and other issues;

NOW, THEREFORE, BE IT RESOLVED that, based upon the findings of the Highway Superintendent and the Town Board, if it is determined that the Town Board should re-advertise and receive bids for the roof replacement for the Sanger Public Works Garage, that bids shall be received in the Town Clerk's Office not later than 10:45 A.M. on Tuesday, September 17, 2002; and thereafter, at 11:00 A.M. on said date and place, all bids received shall be publicly opened and read aloud; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to publish the legal requisite Advertisement – Invitation to Bid in The Observer Dispatch.

Upon roll call, the Board members 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.

PERSONNEL:

Planner applicant

The Town Board concurred that the Highway Superintendent, Town Supervisor, Planning Board Chairman and Personnel Assistant interview the sole applicant for the recently created Planner position. It was suggested that a couple other Planning Board members might wish to participate in the interview process. Councilman Backman expressed interest in sitting in on the interview.

Request For Proposal (RFP) – Audit Service

The Town Board authorized Bookkeeper Carol Fairbrother to seek Requests for Proposal for auditing of the Town’s 2002 financial records and preparation of the 2002 Annual Report, with quotes to be received by 4:00 P.M. on Tuesday, September 17, 2002. The quotes should be for either one (1) or two (2) years.

TOWN CLERK:

Games of Chance (Raffle)

Upon recommendation of Town Clerk Gail Wolanin Young, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 347 OF 2002)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Utica Symphony, Inc, 505 Henry Street, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at the Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form..

The Supervisor polled the Town Board members who 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.

REPORTS OF COUNCILMEN

COUNCILMAN BACKMAN:

Employee Wellness Program

Councilman Backman acknowledged Police Department employee Amy Topor's letter requesting a token payment be made to those employees who, instead of participating in the Town's Wellness Program, join a fitness center at their own expense; the consensus of the Board was to table this matter.

Insurance Coverage – Windshields

Having noticed several vouchers for replacement of windshields, Councilman Backman inquired if these claims are covered under the Town's Insurance. The Police Chief explained that he did not realize that when the Town's insurance was negotiated that glass coverage was not included. Town Supervisor Humphreys had contacted Bailey & Haskell regarding this matter and it was then discovered that there was no "broken glass" coverage on the policy.

Cable Television Franchise - ADELPHIA

Since the Department of Public Services has released the **ADELPHIA** contract, effective August 9, 2002 for a ten (10) year period, Councilman Backman suggested that the Town Board dissolve the Telecommunications Advisory Committee and send a letter of thanks to its members for their dedication and interest in the Town. It was noted that a future administration might want to resurrect the Committee in seven to eight (7 – 8) years, nearing the end of the franchise term. The Town Clerk was asked to check past minutes to see when the previous members of the Telecommunication Advisory Commission had been appointed. This matter will be tabled until such time that the letter is drafted by Councilman Backman and reviewed by the Town Board.

American Flags – Town facilities

Councilman Backman had noticed that the American flag on the Sanger Public Works Garage needs to be replaced and suggested that Buildings & Grounds Superintendent Roger Cleveland check all flags on Town buildings and facilities to determine if replacement is necessary, and if so, remove and dispose of the flags properly and that new flags be purchased. American flags are available through Central Supply at the Sherrillbrook Park administrative office.

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Drainage – Beechwood Road Project

Councilman Backman reported that he would like to schedule another neighborhood meeting and suggested that this matter be placed on the Agenda for the September 4, 2002 Town Board Meeting.

COUNCILMAN WASZKIEWICZ:

Speed limit reduction request

Councilman Waszkiewicz has received a request from Lower Woods Road/Wheatley Circle residents to lower the speed limit in their area. Police Chief Ray Philo will determine if they qualify for area speed limit designation.

Dedication of Park lands in new Subdivisions

Councilman Waszkiewicz requested verification that the recommendation of *peter j. smith & associates* that five percent (5%) of new developments be dedicated for park land be included in the Town's revised subdivision regulations.

Fence – Upper Mohawk Valley Regional Water Board (UMVRWB) property

Councilman Waszkiewicz reported that he has been in contact with the Upper Mohawk Valley Regional Water Board regarding the signs and fence being installed along their property on Cascade Drive. The UMVRWB has received a federal grant from an anti-terrorism agency that's establishing guidelines for safety and protection of water supply as an outcome of the September 11, 2002 terrorist attacks in New York City and Washington, D.C. The UMVRWB is bringing in a specialist to analyze the water supply and sources of water by October 18, 2002 and a report from the specialist will be forthcoming; the UMVRWB hopes to have an aesthetic recommendation regarding the fence. The signs should be visible from Cascade Drive.

Grant Writer

Councilman Waszkiewicz submitted the nine-page letter from Connie Miner, a grant writer) which the Supervisor had read and Councilman Backman is reading at the table. No action was taken.

Stormwater Drainage Criteria

Highway Superintendent Roger Cleveland is still working on the drainage criteria to establish standards for stormwater management improvements outside the highway right-of-way, i.e. on private property. Councilman Butler will review his notes and then contact Councilman Waszkiewicz regarding several stormwater improvement projects being requested by Councilman Waszkiewicz and where they fit into this new criteria.

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Time Limit – Town Board Presentations

Councilman Waszkiewicz suggested that the Town Board consider a time limit on presentations and discussions at Town Board meetings in an attempt to cut down on the lengthy meetings. A discussion was held with no action being taken.

COUNCILMAN BUTLER:

Proposed Dedication - Sherman Oaks Drive

Councilman Butler reported that he, Councilman Backman, Highway Superintendent Roger Cleveland and Terrence Martin, Manager for Sherman Oaks Complex, as well as some residents reviewed the road and took measurements and pictures. Councilman Butler believes an as-built survey should be done. There is a difference from conceptual drawing and actually how road was built. Chapter 102 (Streets and Highways) of the Town Code requires the owner or developer to provide these drawings. The tenants said they'd be willing to pay for these drawings. Supervisor Ralph Humphreys stated that he had talked to Mr. Martin today and Mr. Martin realizes some things have to be done yet. Supervisor Humphreys stated that he is looking at Planning Board minutes and what was approved. The Town Supervisor further questioned that if the Town take the roads, is the Town also obligated to take the sewers, etc. Councilman Backman is still debating the merits of both arguments.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

AUDIT OF VOUCHERS

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

(RESOLUTION NO. 348 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. 29	\$ 40,448.78
General Fund, Part-Town Abstract No. 19	\$ 10,602.76
Highway Fund Part-Town Abstract No. 24	\$ 31,785.97
Sewer Fund Abstract No. 24	\$ 3,142.50
Capital Project Salt Storage Shed Abstract No. 4	\$ 1,940.14
TOTAL:	\$ 87,920.15

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz - Aye

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

This Resolution was declared unanimously carried and duly adopted.

PROPOSED DISSOLUTION OF PURCHASE ORDER PROCESS

After consulting with the Bookkeeper, Supervisor Humphreys proposed elimination of purchase orders; the State Comptroller’s Office stated that purchase orders are not a State mandate. Councilman Waszkiewicz wants to review the Town’s purchasing manual first. The matter was tabled until the September 4, 2002 Town Board Meeting.

RENDE VS. TOWN OF NEW HARTFORD

The Town Supervisor had the New Hartford Village Board meeting regarding the Rende vs Town of New Hartford lawsuit; the Town Police Department had been called to enforce a Village of New Hartford Codes violation (Show Time). The Town Supervisor had been authorized to settle up to One Thousand Dollars (\$1,000), which he did.

EXECUTION SESSION

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

(RESOLUTION NO. 349 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into Executive Session to discuss the Benderson certiorari (assessment) proceeding, the Article 78 proceeding instituted by Paul Longaretta (FOIL request) and pending acquisition of land.

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. Thereafter, at 10:45 P.M. all persons present, including the news media, were excused from the meeting.

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(NOTE: THE FOLLOWING TRANSCRIPT WAS PROVIDED BY COUNCILMAN WOODLAND ON THURSDAY, AUGUST 22, 2002 AT 8:45 A.M.)

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 350 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 11:14 P.M.

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 11:15 P.M.

Respectfully submitted,

Margaret M. Jones.
Deputy Town Clerk I

Gail Wolanin Young, CMC/RMC
Town Clerk