

**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,  
SEPTEMBER 4, 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:** 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 II Sarah A. Long

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

**PUBLIC PRESENTATIONS:**

**SPEED LIMIT REDUCTION – NEALS GULF ROAD**

Jill Davies, of 3394 Neals Gulf Road, submitted a Petition requesting that the Town Board take action to reduce the speed limit on Neals Gulf Road. She was able to obtain all but one signature from Neals Gulf Road property owners. After a brief discussion, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

**(RESOLUTION NO. 355 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby request the New York State Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on Neals Gulf Road, a Town highway, between Grange Hill Road and Red Hill Road and that a copy of the residents' petition be furnished to said Department of Transportation.

A roll call vote ensued:

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

Resolution No. 355 was declared unanimously carried and duly adopted.

### **CHILDREN AT PLAY SIGNS – NEALS GULF ROAD**

Mrs. Davies also inquired if “Children at Play” signs could be installed on Neals Gulf Road; the matter was referred to the Highway Department.

### **BLEACHERY AVENUE BRIDGE REPLACEMENT**

Joan and Robert Mundrick, of 3545 Bleachery Ave, requested an update on the Bleachery Avenue bridge replacement project. The Highway Superintendent answered saying that preparations will be starting this Fall but the majority of the work will not start until April of 2003.

### **DRAINAGE WORK - CHAPMAN ROAD**

Marcus Stein of 9405 Chapman Road, alleged that the drainage ditches from upper Higby Road and Mohawk Street are draining onto his property; he claimed that the Town Highway Department had performed some drainage work on his property despite his opposition and that a fence on his property was partly torn down without his consent during the drainage work and he requested resolution of the damages. Councilman Backman inquired whether the crewmen were from the Town or from Oneida County. Superintendent Cleveland was not aware of any work performed by the Town within the last few years at that location but agreed to meet with Mr. Stein and perform an on-site inspection. Councilman Backman will also join the meeting.

### **MUNICIPAL UTILITIES**

Keith Pitman invited the Board to attend his educational seminar on September 16, 2002 at the Griffiss Business & Technology Park, Rome, NY regarding the usage and community entrepreneurship of electricity.

### **PLANNER/GRANT WRITER**

N. Joseph Yagey, Planning Board Chairman, noted that the Town had received only one (1) application for the newly created Planner/Grant Writer position and conducted an interview for this person. He suggested that the Town Board segregate the job duties and re-advertise for a Planner. Allegedly, Oneida County Planner John Kent said people didn't apply for the position because the job was bundled with a grant writer requirement. Chairman Yagey believes the Town could get more applicants who might be more qualified if the duties excluded grant writing and the Board concurred. Chairman Yagey

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then distributed a list of projects since April 2001 that needed the attention of a Planner, noting there is justification for strictly a Planner.

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

**(RESOLUTION NO. 356 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Personnel Assistant to advertise for the position of Planner and the position of Planner/Grant Writer, provided the Oneida County Personnel Department will approve advertising two (2) positions simultaneously, in the various County and State Planning agencies; and

**BE IT FURTHER RESOLVED** that if the Oneida County Personnel Department will not allow dual advertising, then the position of Planner will take precedent.

The Resolution was voted on as follows:

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

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

**REPORTS OF TOWN OFFICIALS**

**TOWN CLERK:**

**Recreational Trail – Judd Road Connector**

Upon presentation by the Town Clerk, the following Resolution was introduced by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 357 OF 2002)**

**WHEREAS**, the New York State Department of Transportation proposes the construction of Stanwix-Utica, Route 840, in the Towns of New Hartford and Whitestown, Oneida County, and in connection therewith to construct a recreational trail on land purchased by or currently owned by the New York State Department of Transportation.

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**WHEREAS**, in the judgment of the Commissioner of Transportation, the recreational trail will not be deemed to be part of the state Highway system, now therefore:

**It is RESOLVED** that, upon completion, of construction of the above described recreational trail, the Town of New Hartford will maintain such recreational trail in a manner conducive to the safe and efficient use by all pedestrians and bicyclists. Seasonal restrictions are to be determined under the jurisdiction of the Town. Under Federal Law 23 CFR 652.7(b)(3)(ii), unauthorized motor vehicles (snowmobile, ATV) are banned from pedestrian walkways and bicycle paths.

**Be it FURTHER RESOLVED** that the Town of New Hartford is hereby directed to transmit five certified copies of the foregoing resolution to the New York State Department of Transportation.

The Resolution was voted upon as follows:

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

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

**Training**

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

**(RESOLUTION NO. 358 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; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Town Clerk Gail Wolanin Young, Deputy Town Clerk I Margaret M. Jones and Deputy Town Clerk II Sarah A. Long to attend the Town Clerk's Teleconference sponsored by the State Comptroller's Office on Thursday, October 3, 2002 at the Cornell Cooperative Extension, Oriskany, New York, with the Ten Dollar (\$10.00) registration fee for each official to be borne by said Town.

The Resolution was voted upon by roll call 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.

**POLICE CHIEF:**

**Speed Limit Reduction Request - Lower Woods Road North**

Police Chief Raymond Philo had made an on-site inspection of Lower Woods Road North where there had been a request to lower the speed limit; however, the request to lower the speed limit would have to encompass the entire area [area speed limit zone], not just one road. Councilman Waszkiewicz will consult with his constituents on this matter.

**HIGHWAY SUPERINTENDENT:**

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

Responding to Town Board direction on August 21, 2002, the Highway Superintendent had contacted Pulver, the apparent low bidder, to get some questions cleared up that the Board had raised. Discussion included:

- Pulver's quote of \$8 per square foot to replace the bad steel deck.
- Pulver's substitution of 24 gauge galvanized steel sheet at no extra charge (in response to another bidder's question about flashing and whether it was heavy enough)
- with removal of flashing, Pulver suggested asbestos testing at an estimated cost of \$5,000 to \$10,000, an additional cost; believes asbestos may be present only in the lower roof flashing.

Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 359 OF 2002)**

**RESOLVED** that, upon recommendation of the Highway Superintendent, the New Hartford Town Board does hereby accept the apparent low bid submitted by Pulver Roofing Company, Inc. on August 21, 2002 and does hereby award the contract to REMOVE EXISTING/INSTALL NEW ROOFS ON SANGER BUILDING to Pulver Roofing Company, as follows:

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- Base Bid No. 1 . . . . . \$118,000.00
- Add on to remove asbestos at a not-to-exceed cost of. . . \$ 10,000.00
- 20 year guarantee

**TOTAL: \$128,000.00.**

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. 359 was declared unanimously carried and duly adopted.

**Constituent Complaint - Genesee Street, State highway**

Relative to Jerry Orsaeo’s complaint about ponding of water on Genesee Street, Frank Gerace, Regional Director of the New York State Department of Transportation, responded to the Highway Superintendent’s letter that the State “... will investigate your concerns and take the appropriate steps to alleviate any deficiencies in the near future.”

**Constituent Complaint - Flashing Light on Weston/Chapman**

Councilman Backman received a complaint from Robert Bullwinkle that the flashing light on Weston/Chapman Road keeps him awake and he would like it off certain hours at night. Highway Superintendent Cleveland says that the purpose of the flashing light is to alert all motorists going down the hill about the intersection coming up; he will look into the cost of having a timer on the light and will report at the September 20, 2002 Town Board meeting.

**Constituent Complaint - Hara Crescent drainage**

Councilman Woodland had been contacted by a Hara Crescent resident who asked that the paved berm be removed from his driveway; at the same time, he didn’t want stormwater running onto his property. Highway Superintendent Cleveland will look at the situation.

**Constituent Complaint – Hamilton-Church Street catch basin**

Councilman Backman had received a complaint about the Hamilton-Church Street intersection and particularly the catch basin area that has a sharp dip and has a potential to damage vehicles. The Highway Superintendent will perform an on-site inspection.

**REPORTS OF COUNCILMEN**

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**COUNCILMAN BACKMAN:**

**Proposed Drainage Project – Beechwood Road**

As a result of neighborhood disagreements on granting easements, the Beechwood Road drainage project is still pending.

**Motor Pool Standing Committee**

Councilman Backman recommended the disposal of the junk vehicles stored behind the Sanger Public Works Garage and suggested that three (3) vehicles that are incomplete be identified and salvaged.

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

**(RESOLUTION NO. 360 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby declare the following police vehicle as “Surplus”:

One (1) 1997 Ford Crown Victoria, 4-door sedan, white, “as is”,  
VIN 2FAOP71W6VX18; mileage - 91,000;

and be it

**FURTHER RESOLVED** that the said Town Board shall receive sealed bids for the public sale of the aforementioned surplus vehicle until 10:45 A.M. on Friday, September 20, 2002; all bids received shall comply with the terms and conditions to be set forth in Notice of Sale #1 of 2002, including a minimum bid of Three Thousand Dollars (\$3,000) and that the Town Board has the right to reject any and all bids; and be it yet

**FURTHER RESOLVED** that the Town Clerk is directed and authorized to publish the legal requisite Notice of Public Sale in the Observer Dispatch.

A roll call vote was duly held and resulted 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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### **Maintenance Software**

Councilman Backman would like the Board to consider some type of maintenance software to track repairs on Town vehicles and suggested the software could be added to the 2003 Budget.

### **Discontinuance - Telecommunications Advisory Committee**

The Town Board reviewed and discussed a letter drafted by Councilman Backman for distribution to members of the Telecommunications Advisory Committee. Supervisor Humphreys noted that the last time the Telecommunications Advisory Committee had been appointed was in 1998 and only for a one-year term. They were not appointed in 1997, but were appointed in 1996 for a one-year term. Councilman Waszkiewicz suggested that since the Town has signed the Cable Television Franchise with Adelphia, there was no need for a committee at this time. It was the Board's consensus to deactivate the Committee, forward each member a letter thanking them for their time and suggesting that the 2010 Town Board might reconstitute the Committee as the Franchise will expire in August 2012.

### **COUNCILMAN BUTLER:**

#### **Stormwater Policy**

Councilman Butler stated there are problems caused by stormwater runoff and liability regarding public safety. After some discussion, Highway Superintendent Cleveland clarified that the Town would base situations on the three (3) criteria previously proposed. It was the Town Board's consensus that the Highway Superintendent finalize the stormwater management policy.

#### **Proposed Dedication - Sherman Oaks Drive**

Councilman Butler asked the Supervisor if his inquiries and questions were answered yet in regards to the proposed dedication of Sherman Oaks Drive. Councilman Butler believes the Board should give the residents some sort of inclination of the Board's decision. Supervisor Humphreys said the Town Code requires "as built" drawings to be provided by the developer before road dedication. The Supervisor's other concern was whether the Town takes on the sewer and drainage systems/problems as well as the road if the Town were to dedicate this road. Councilman Butler recommends that the Town proceed to dedicate the road and then apply to the NYS Department of Transportation for a variance as to the width of the road. If the State doesn't approve the variance, the road dedication becomes null and void. Attorney for the Town, Vincent Rossi had some questions regarding the procedure outlined by the Department of Transportation. The Highway Superintendent will forward Attorney Rossi any and all of the statutory references that he may need. The Supervisor said that in looking at the Planning Board minutes it was never intended for this road to become a public road and that it was not built to Town specifications. Councilman Backman suggested that from this point



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forward that the Town Board only accept roads that meet Town specifications. Attorney Rossi said that he and the Highway Superintendent could develop criteria as to what roads the Town would accept. Councilman Butler will clarify who owns Sherman Oaks Drive for further discussion at the September 18, 2002 Town Board meeting.

**COUNCILMAN WOODLAND**

**Constituent Complaint - NIMO Poles**

Councilman Woodland said that the new Niagara Mohawk utility poles have been installed but the phone company and Adelphia (cable tv) have yet to transfer their wires. Adelphia has stated it might take one (1) to three (3) years to transfer their wires from the old utility poles to the new poles and Councilman Woodland inquired if there is a way to expedite this process. Attorney Rossi responded that he could contact the phone company and Adelphia and will report by the September 18, 2002 Town Board meeting.

**MATTERS SUBMITTED BY TOWN SUPERVISOR:**

**AUDIT OF VOUCHERS**

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

**(RESOLUTION NO. 361 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. 28	\$ 1,327.06
General Fund, Whole-Town Abstract No. 30	\$11,511.01
General Fund, Whole-Town Abstract No. 31	\$34,684.90
General Fund, Part-Town Abstract No. 20	\$19,120.89
Highway Fund Part-Town Abstract No. 23	\$ 17.48
Highway Fund Part-Town Abstract No. 25	\$14,258.25
Sewer Fund Abstract No. 23	\$ 15.06
Sewer Fund Abstract No. 25	\$ 9,963.05
Water Fund Abstract No. 5	\$ 1,400.00
Drainage Capital Project Abstract No. 1	<u>\$ 3,131.20</u>
<b>TOTAL:</b>	<b>\$95,428.90</b>

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.

This Resolution was declared unanimously carried and duly adopted

**Purchase Orders**

The Supervisor suggested the possible elimination of purchase orders. He would like to create a committee that would consist of the Bookkeeper, Police Chief, Parks employee Maureen Owens and others who might be able to recommend alternatives to the purchase order system.

**Insurance - Broker of Record**

The Supervisor reported that the Town has Gates-Cole as their broker of record for the Guardian Dental policy and because this agent has not provided the Town with any service, he suggested changing brokers to Bailey and Haskell. Consensus was reached to contact Gates-Cole first and advise them that the Town is considering changing agents. This matter will be placed on the agenda for the September 18, 2002 Town Board meeting.

**Personnel – Teamsters Union / Parks and Recreation Department**

Supervisor Humphreys presented a proposed Resolution which, if adopted, would recognize the Teamsters as the bargaining agent for the Parks and Recreation Department employees. Discussion followed with questions raised on whether some employees were considered management and, therefore, be excluded from this proposal. Attorney Rossi suggested that the proposed Resolution be defined before any action was taken.

**Requests for Proposal – Annual Audit**

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

**(RESOLUTION NO. 362 OF 2002)**

**WHEREAS**, the Town Board had authorized the Bookkeeper to solicit Requests for Proposal for a one (1) and/or two (2) year audit, with proposals to be submitted not later than 4:00 P.M. on Tuesday, September 17, 2002; and

**WHEREAS**, additional time is needed to solicit proposals and offer the companies sufficient time to prepare and submit a proposal;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby extend the proposal submission deadline to 4:00 P.M. on Tuesday, October 15, 2001.

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

**ATTORNEY FOR TOWN**

**ASSESSMENT - CERTIORARI SETTLEMENT:**

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

**(RESOLUTION NO. 363 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby agree to settle the following Certiorari proceeding brought against the Town of New Hartford for the amount(s) specified:

Name of Property Owner: Chedid & Nellie Karrat (Restaurant)  
Address: 8181 Seneca Turnpike, New Hartford, NY

<i>Parcel I.D.</i>	<i>Initial Assessment</i>	<i>New Assessment</i>	<i>Tax Year</i>
328.005-4-33	\$300,000	\$250,000	2002-2003

and further that, based upon Assessor Paul Smith's recommendation, the Town Board does hereby authorize Attorney Rossi to settle the certiorari on Parcel I.D. No. 328.000-2-20, owned by Kozhaya and Chedid Karrat (assessed at \$98,000) for an assessment of \$75,000 for the same tax year.

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.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 364 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss potential for land acquisitions and existing Certiorari (assessment) proceedings.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 10:13 P.M.

(NOTE: The following transcript was provided by Councilman Woodland on Thursday, September 5, 2002.)

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 365 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

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:40 P.M. The regular portion of the Town Board meeting was reconvened at 10:40 P.M.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Butler, the meeting was adjourned at 10:40 P.M.

Respectfully submitted,

Sarah A. Long  
Deputy Town Clerk II

Gail Wolanin Young, CMC/RMC  
Town Clerk