

**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,
OCTOBER 2, 2002 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and then led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

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

OTHER TOWN OFFICIALS: Assessor Paul Smith (Arrived at 8:49 P.M.)
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Sarah A. Long

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

MINUTES

After reviewing minutes that had been mailed to all Board members, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 386 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held July 24, 2002 and does further waive the reading of the same.

Upon roll call, the Board members 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.

PUBLIC PRESENTATIONS:

2003 BUDGET APPROPRIATION – UTICA TRANSIT AUTHORITY (UTA)

Ronald Bucciero and Carmen Graziano, who represented the Utica Transit Authority, addressed their budget and improvement proposals for the year 2003. The UTA is requesting a Five Thousand Dollars (\$5,000) increase to the Town's annual Twenty-five Thousand Dollar (\$25,000) contribution. Mr. Bucciero recited two reasons for this increase: first, Governor Pataki cancelled the Fare Increase scheduled for January 1, 2002 due to State accelerated funds for 2002, that created the need for additional local aid by the City of Utica and Towns that the UTA serves; second, the UTA has been going through some financial problems and have laid off several employees who are still laid off. Supervisor Humphreys asked Mr. Bucciero to put together a list that shows the number of times residents in the Town of New Hartford used the Dial-a-Ride service; Mr. Bucciero will supply the information to the Supervisor as soon as possible. The presentation ended at 7:40 P.M.

BEECHWOOD ROAD DRAINAGE PROJECT

Michael and Robin Kennedy, of 9 Beechwood Road inquired about the status of the Beechwood Road drainage project. Supervisor Humphreys says that two (2) property homeowners have refused to sign. At first there was only one homeowner who refused to sign and now another has decided to withdraw their signature making it no longer valid. The engineer has visited each property and stakes have been placed. The Kennedys asked if the other homeowner's attorneys have been advised of the situation. The Supervisor says that Town staff has visited the homeowners to make sure all are still on board for the project. Discussion ensued between the Kennedys, Supervisor Humphreys and Councilman Backman. Councilman Backman says he is trying every way not to bring condemnation against the property homeowner who is refusing to sign. The Kennedy's feel the Town is not progressing Discussion ceased at 8:04 P.M.

PLANNER POSITION

Planning Board Chairman N. Joseph Yagey approached the Board to recommend Kurt Schwenzfeier for the position of Town Planner. Mr. Yagey who, together with the Highway Superintendent, interviewed Mr. Schwenzfeier last Saturday, further recommended that the Town Board set Mr. Schwenzfeier's salary at \$40,000 per year with fringe benefits for a thirty-five (35) hour work week and Board meetings and if Mr. Schwenzfeier satisfactorily completes his probationary first year, that the Town Board automatically increase the Planner's annual wage to \$42,000. As a Department Head, the Planner would not receive overtime pay or compensatory time. No action was taken at this time.

(Attorney for the Town Vincent Rossi, Jr. arrived at 8:11 P.M.)

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CONSTITUENT COMMENTS:

Not being familiar with Town Officials, Dennis Thompson of 8 Christopher Circle, suggested that the Town Board use name badges or plates to identify themselves to the public, that an agenda be made available to the public, and that developers be asked to submit more than one map for public viewing. The Town Board thanked Mr. Thompson for his suggestions and stated that extra copies of the agenda are available at each meeting from the Town Clerk.

Public Presentation concluded at 8:30 P.M.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Weston/Chapman Road Light

After discussion involving:

- estimated \$18,000 to \$20,000 cost for overhead lights
- the Police Chief's report that motor vehicle accidents going down Chapman Road are infrequent
- the vast majority of accidents are going up Chapman Road involving rear-end collisions
- most accidents are caused by driver inattention versus road conditions, consistent throughout the Town

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

(RESOLUTION NO. 387 OF 2002)

WHEREAS, the Town of New Hartford had received an approximate sum of Sixteen Thousand Dollars (\$16,000) from the County of Oneida for traffic signalization along Chapman Road, a county-owned highway in said Town; and

WHEREAS, a flashing signal highlighting signage of an upcoming intersection and school had been installed for motor vehicles traveling in a westerly direction along Chapman Road; and

WHEREAS, there was expressed concern of a need for warning motorists who were traveling up Chapman Road of the Weston Road-Chapman Road intersection and school;

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NOW, THEREFORE, BE IT RESOLVED that, based upon the Town Police Department investigation, the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to erect a similar flashing light for motorists traveling easterly on Chapman Road and at a site on Chapman Road to be agreed upon by the Police Chief and Highway Superintendent; the cost of said flashing light shall be paid from and shall not exceed the amount of remaining funds received from Oneida County for traffic signalization. Further, this flashing light shall have a maximum of two (2) timers, with hours of operation to be determined in the future by the Town Board.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Bituminous Concrete Paving – Contract Amendment

The Highway Superintendent and Town Board discussed possible improvements:

- **Sessions Road** between Mallory Road and Mohawk Street serious deterioration and breaking up of pavement; estimated cost \$95,000 question of straightening the curve near the Wilcox farm
- **Morgan Lane** - estimated cost \$24,000
- **Chenango Road** - estimated cost \$12,000; needs to be done in a very short time
- **Beechwood Road** needs attention but can be done next year
. estimated cost about \$40,000
- **Danberry Road** - estimated at \$15,000 and can wait until next year

After discussion, the Board reached a consensus to table Beechwood Road and Danberry Lane until 2003. Upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

(RESOLUTION NO. 388 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby amend the 2002 Bituminous Concrete Paving contract to include the paving of Sessions Road (between Mallory Road and Mohawk Street) and Chenango Road and that the Town Supervisor be authorized to sign any Change Order necessary to effect this amendment.

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Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Requests For Proposal (RFP) - Applewood Pump Station

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

(RESOLUTION NO. 389 OF 2002)

WHEREAS, in August 2002 the Town had received Requests for Proposal for the Applewood Sanitary Sewer Pump Station, Emergency Replacement; and

WHEREAS, on August 27, 2002, all bids received having been canvassed by Clough Harbor and Associates, the Highway Superintendent was authorized to issue a Letter of Intent to Award to the low bidder, Hanna Construction;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby award the contract for the Emergency Replacement of the Applewood Sanitary Sewer Pump Station to said Hanna Construction per their Base Bid of \$116,286.00 and does hereby authorize and direct the Town Supervisor to enter into and to execute all necessary contract documents.

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 - Sanger Public Works Garage Roof Project

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

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(RESOLUTION NO. 390 OF 2002)

WHEREAS, the Town received bids in August 2002 for the Roof Replacement at the Sanger Public Works Garage; and

WHEREAS, all bids received having been duly canvassed and the project having been awarded to Pulver Roofing by Resolution No. 359, dated September 4, 2002 and amended by Resolution No. 381, dated September 18, 2002;

NOW, THEREFORE, BE IT 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 all contract documents relating to the aforesaid project.

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.

Petition for Name Change - Old Roberts Road

Councilman Backman had met with residents of Old Roberts Road and after discussion, it was the residents' consensus to withdraw the petition for renaming Old Roberts Road to DiGeorge Lane.

Repository Dirt

Councilman Backman stated that the New York State Department of Transportation is looking for a repository for the dirt to be excavated from the Judd Road construction project and he inquired whether the future site of the Willowvale Fire Company on Oneida Street, Chadwicks might be acceptable. Highway Superintendent Cleveland commented "... without the asphalt if the Department of Transportation is excavating the roads."

Review of Bid Analysis Process

In response to Councilman Waszkiewicz's inquiry regarding the bid analysis process, the Highway Superintendent stated that in the past he has met with the Town Comptroller and Town Attorney who jointly reviewed matters and pointed out any possible irregularities

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Animal Control Services

After a discussion with the Police Chief regarding the responsibility of picking up wildlife, it was consensus of the Town Board to allow the Animal Control Officer and Chief Philo to decide on a "case-by-case" basis.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BUTLER:

Sherman Oaks Road Dedication

Councilman Butler stated that each condominium owner pays a sewer charge and the Homeowners Association owns the road and he sought guidance; he wanted consensus that once the Homeowners Association provides the Town with the required items for road dedication, that the Town Board would be inclined to dedicate Sherman Oaks Drive as a Town road. Councilman Backman could not -- in good conscience -- support a previous Board's decision, a decision he wouldn't have made himself; his decision has been a struggle and he has thought long and hard on it. Councilman Woodland says he cannot support the dedication because it's apparent the owner's original intent was to keep the road private; he does not believe Sherman Oaks Drive was intended to be a public road. Councilman Waszkiewicz replied that this decision is not easy and that he really doesn't know how to decide. Supervisor Humphreys says that he still cannot support the decision to dedicate the road. Councilman Butler will report to the residents and let them know of the Board's decision.

Request for 4-Way STOP Study - Wilbur Road

Councilman Butler has received constituent requests for a 4-way stop on Wilbur Road at the Niagara Mohawk entrance; there is visibility concern and a resident is unwilling to trim their bushes. The Highway Superintendent and Police Chief will make an on-site inspection and also contact Niagara Mohawk.

COUNCILMAN WOODLAND:

Traffic Signal - Applewood Community

Councilman Woodland will conduct a neighborhood meeting for the Applewood Community residents on Wednesday, October 23, 2002 at 7:00 P.M. at the Kellogg Road Community Center Building to discuss the State Department of Transportation's rejection of a traffic signal at the intersection of Applewood Boulevard at Seneca Turnpike. New York State Senator Raymond Meier and New York State Assemblyman David Townsend will attend as well.

Children at Play Signs – Merritt Place

Councilman Woodland has received requests from the owner of 189 Merritt Place for Children at Play signs. As there are two (2) such signs in close proximity to Parkway

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Place at Merritt Place, Police Chief Philo recommended no further signs be added but to relocate the existing signs to cover a larger area. He opposes sign pollution as this may cause people to disregard the sign’s importance. Highway Superintendent Cleveland will make an on-site inspection but also agreed with the Police Chief about rearrangement of the signs.

REPORTS OF TOWN OFFICIALS (CON’T)

PARKS AND RECREATION DIRECTOR:

Summer Recreation Program Report

Parks and Recreation Director Michael Jeffery distributed a comparison report of the 2001 and 2002 summer recreation programs.

Donation

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

(RESOLUTION NO. 391 OF 2002)

WHEREAS, the Town of New Hartford Parks and Recreation Department had received an “environmental grant” check in the amount of Five Hundred Dollars (\$500) from Wal-Mart for a tree-planting program in Sherrillbrook Park; and

WHEREAS, the Town has implemented a donation policy requiring notification to and approval of the Town Board;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the Five Hundred Dollar (\$500) donation from Wal-Mart to plant ten (10) Australian pines in Sherrillbrook Park as a buffer to the maintenance building and that the Bookkeeper deposit said funds in the appropriate General Fund account.

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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Appointments - Full-Time Recreation Maintenance Workers

Upon recommendation of the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 392 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following individuals to the various full-time positions, with fringe benefits, for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing October 3, 2002; all wages to be paid bi-weekly:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Kevin Noggle	Recreation Maintenance Worker #1	\$10.65/hour
John Randall	Recreation Maintenance Worker #2	\$10.65/hour.

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

Recognition of Teamster:

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

(RESOLUTION NO. 393 OF 2002)

RESOLVED that the Town of New Hartford, based upon a check of union authorization cards by the Public Employment Relations Board, hereby recognizes the International Brotherhood of Teamsters, as the bargaining representative for the following bargaining unit of employees: including all non-probationary full-time and part-time employees employed by the Town of New Hartford in the Parks and Recreation Department and excluding all temporary, casual, and seasonal employees, supervisors, and managers as defined by the Taylor Law in the Town of New Hartford Parks and Recreation Department, as well as the employees in any other department(s) of the Town of New Hartford.

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Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

TOWN CLERK:

2003 Tentative Budget

The Town Clerk acknowledged receipt of the 2003 Tentative Budget and that copies were distributed to the Town Board members.

Fireworks Permit - TARGET

The Town Clerk announced that American Fireworks, the original fireworks vendor for the TARGET Grand Opening fireworks, has cancelled their contract and that TARGET has now chosen Bay Fireworks. Police Chief Philo was able to make an on-site inspection of where the fireworks would be discharged and the application is in compliance with the Penal Law.

EXECUTIVE SESSION

Because the hour was late, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Butler seconded same:

(PROPOSED RESOLUTION)

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

- the Police Union Contract and the Police/Town/Village Contract
- the Planner position
- Christiano certiorari vs Town of New Hartford
- Murad certiorari vs Town of New Hartford
- Ground Round certiorari vs Town of New Hartford
- Massoud certiorari vs Town of New Hartford

and be it

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FURTHER RESOLVED that the Town Board will convene a special Town Board meeting on October 9, 2002 for matters that may remain unfinished at the conclusion of this Board meeting.

A roll call vote ensued:

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

Thereafter, the Resolution was declared not carried and duly defeated.

Fireworks Permit – TARGET (cont'd)

The following resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Backman:

(RESOLUTION NO. 394 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to direct the Town Clerk to issue a Fireworks Permit to Baye Fireworks, for the TARGET Grand Opening on Saturday, October 12, 2002, contingent upon Attorney for the Town Vincent Rossi Jr., Police Chief Philo and Fire Chief David Reynolds meeting to discuss the State regulations on fireworks displays, and contingent upon the Town receiving a Certificate of Insurance naming the Town as an additional insured.

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

**Zone Map Amendment Application – Chas. Sitrin Health Care Center
Public Hearing Scheduled**

The Town having received SEQR responses to the Zone Map Amendment Application submitted by the Charles Sitrin Health Care Center, Councilman Waszkiewicz introduced

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the following Resolution for adoption; duly seconded by Councilman Woodland:

(RESOLUTION NO. 395 OF 2002)

WHEREAS, the New Hartford Town Board had received a Zone Map Amendment Application from the Charles Sitrin Health Care Center and subsequently introduced legislation entitled Local Law Introductory No. One of 2002, and held Public Hearings in March and April 2002 on said Application; and

WHEREAS, the Town Board has now received the SEQR comments from interested and involved agencies and is desirous of continuing the zone map amendment procedure;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, **November 20, 2002 at 8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Ralph J. Perry Junior High School Auditorium, Weston Road in said Town to consider **Local Law Introductory No. One of 2002** that, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING**, and map coincidental thereto, as it pertains to land fronting Higby Road and owned by the **Charles T. Sitrin Health Care Center, Inc.**, by changing the designation of 208.8 acres from RA-2 (Residential Agricultural) and LDR (Low Density Residential) to PDI (Planned Development Institutional); and be it

FURTHER RESOLVED that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

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.

MATTERS SUBMITTED BY COUNCILMEN (CON'T):

COUNCILMAN BUTLER:

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

(RESOLUTION NO. 396 OF 2002)

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WHEREAS, Town Board members are often asked for business-related information such as business address, telephone numbers and e-mail addresses;

BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the purchase of five hundred (500) business cards for each Town Board member, as well as the purchase of name-plates for each Town Board member to be displayed on the conference table at all Town Board meetings.

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

COUNCILMAN WOODLAND

Budget Process

Upon Councilman Woodland's inquiry, the Board reached consensus that the Supervisor and Standing Committees will meet with Department Heads to discuss their budget estimates for fiscal year 2003. The Town Clerk mentioned that the Public Hearing notice for the 2003 Preliminary Budget will be published October 28, 2002 and therefore, the Town Board must decide the 2003 salaries for elected officials to be included in that publication.

Proposed Expansion - Sanger Public Works Garage

The Town Board discussed the possibility of an addition to the Sanger Public Works Garage with technical services that could be provided by March Associates. The Board's consensus was to solve the current space problems at the Sanger Public Works Garage now and then address the police/court building issue. The matter can be further discussed at the Special Town Board meeting on October 9, 2002 at 7 P.M. at the Kellogg Road Community Center Building.

COUNCILMAN WASZKIEWICZ:

Agenda Items

Because of the late hour, Councilman Waszkiewicz decided to table his agenda items except for the first two items.

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New Police and Town Court Facilities & Community Meeting Room

Councilman Waszkiewicz suggested that the Town Board consider allowing the Police Department to use the Kellogg Road Community Center Building instead of leasing a storage trailer for office space and further suggested that Town Board meetings could be held at other locations such as Butler Memorial Hall. The Town could consult with the New Hartford Village Board to determine if the recently renovated meeting room would be available for the Town's use. Discussion continued and included appropriate space and parking availability. It was the Town Board's consensus that Police Chief Philo proceeds with the storage trailer.

COUNCILMAN BACKMAN:

Waiver of Notice of Appeal Fee re Building Permit - Saporito Issue:

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

(RESOLUTION NO. 397 OF 2002)

WHEREAS, in August 2002, Santo Saporito, 234 Higby Road, New Hartford, New York had completed a Building Permit Application and inadvertently reversed the back yard and side yard setback dimensions and it was not until after the permit had been approved that the Codes Enforcement Officer noticed the error; and

WHEREAS, Mr. Saporito had installed a concrete slab for his storage shed before being notified of the error;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby waive the Forty Dollar (\$40) Notice of Appeal fee for Mr. Saporito to appear before the Zoning Board of Appeals.

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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Requests for Proposal – Acreage for consolidation of Town offices (Benton Parcel)

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

(RESOLUTION NO. 398 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk to send a letter to Norman and Carol Benton thanking them for the offer of their Roberts Road property for consolidation of Town offices but that the parcel had been rejected as the location is not central enough.

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

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 399 OF 2002)

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

General Fund, Whole-Town Abstract No. 35	\$ 48,669.24
General Fund, Whole-Town Abstract No. 36	\$ 22,120.23
General Fund, Part-Town Abstract No. 22	\$ 228.98
General Fund, Part-Town Abstract No. 23	\$ 20,354.85
Highway Fund Part-Town Abstract No. 26	\$ 10.32
Highway Fund Part-Town Abstract No. 27	\$ 29,950.29
Sewer Fund Abstract No. 27	\$ 125.13
Sewer Fund Abstract No. 28	\$ 6,261.95
Drainage Capital Project Abstract No. 3	\$ 2,100.19
TOTAL:	\$129,821.18

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Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

Change of Broker - Guardian dental insurance:

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

(RESOLUTION NO. 400 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Supervisor to change the Town's Record Broker from Gates-Cole to Bailey & Haskell, effective immediately.

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

REPORTS OF TOWN OFFICIALS (CON'T)

ASSESSOR:

STAR Program

Assessor Paul Smith says that the sales tax revenue has increased this year and that the aid received for administering the STAR exemptions was going down. Assessor Smith says it looks like it's going to be a trend that is going to continue.

Unknown Ownership of Thirteen (13) Parcels:

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

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(RESOLUTION NO. 401 OF 2002)

WHEREAS, the New Hartford Assessor’s Office had identified an estimated one hundred fifty (150) parcels with unknown owners that has now been decreased to only thirteen (13) parcels;

BE IT RESOLVED that the Town Board does hereby authorize and direct the Assessor to contact the Oneida County Map Department in an endeavor to find the history of these thirteen (13) parcels, most of which are landlocked, and permit the County of Oneida to take ownership of said parcels:

- 328.006-1-24 - Park Boulevard
- 328.016-1-24 – Catherine Ave
- 328.016-2-1 - Catherine Ave
- 328.016-2-2 – Geraldine Ave
- 328.016-2-51 – Winn Ave
- 328.016-2-90 – Catherine Ave
- 328.016-2-91 – Catherine Ave
- 328.016-2-92 – Catherine Ave
- 328.016-5-12 – Crescent Drive
- 330.019-1-40 – Valley View Road
- 339.012-1-26 – New York State Route 8
- 339.007-2-49 – Winmar Crescent
- 349.008-2-45 – Irvin Avenue.

The foregoing Resolution was voted upon by roll call:

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.

MATTERS SUBMITTED BY TOWN SUPERVISOR (CON’T):

Requests for Proposal - Audit Services:

The Supervisor reported that only one vendor, Moore and Hart, had responded to Requests for Proposal for audit of the Town’s financial records for 2002 and 2003 as well as preparation of the respective annual reports. Moore and Hart stated that their fees

would not exceed \$5,500 for each of the years ending December 31, 2002 and December 31,

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2003. Thereafter, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 402 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept the sole proposal of Moore and Hart to perform the 2002 and 2003 financial audit of Town records, including preparation of the respective annual reports, at a cost not to exceed Fifty-five Hundred Dollars (\$5500) for each fiscal year.

A roll call vote was duly held 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.

EXECUTIVE SESSION

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

(RESOLUTION NO. 403 OF 2002)

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

- the Police Union Contract and the Police/Town/Village Contract
- the Planner position
- Cristiano certiorari vs Town of New Hartford
- Murad certiorari vs Town of New Hartford
- Ground Round certiorari vs Town of New Hartford
- Massoud certiorari vs Town of New Hartford.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

Councilman Butler - Aye

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy Clerk, were then excused from the meeting at 11:22 P.M. Those remaining included the Assessor, the Police Chief and the Highway Superintendent.

[NOTE: The following transcription was provided by Councilman Woodland on Thursday, October 3, 2002:]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 404 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 12:37 A.M. on Thursday, October 3, 2002. The regular portion of the Town Board meeting was reconvened at 12:37 A.M.

Planner:

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

(RESOLUTION NO. 405 OF 2002)

RESOLVED that, based upon the recommendations of Town Planning Board Chairman N. Joseph Yagey and Highway Superintendent Roger A. Cleveland, the New Hartford

Town Board does hereby appoint Kurt L. Schwenzfeier as Planner/Grant Writer, effective October 24, 2002, at an annual salary of Forty Thousand Dollars (\$40,000),

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payable bi-weekly, with no compensatory time and no overtime payments and that upon successful completion of a one-year probationary period, Mr. Schwenzfeier's annual salary shall be increased by the sum of Two Thousand Dollars (\$2,000).

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Backman, the meeting was adjourned at 12:40 A.M on Thursday, October 3, 2002.

Respectfully Submitted,

Sarah A. Long
Deputy Town Clerk II

Gail Wolanin Young, CMC/RMC
Town Clerk