

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT BUTLER MEMORIAL HALL IN THE VILLAGE OF NEW  
HARTFORD ON WEDNESDAY, FEBRUARY 5, 2003 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and 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 E. Smith (Arrived at 7:39 P.M.)  
Codes Enforcement Officer Gerald F. Back  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger A. Cleveland and  
Deputy Highway Superintendent Anthony DeCuffa  
Parks and Recreation Director Michael W. Jeffery  
Planner Kurt L. Schwenzfeier  
Police Chief Raymond Philo  
Telecommunications Supervisor Jeffrey Madden  
Town Clerk Gail Wolanin Young and Deputy Town  
Clerk II Sarah A. Long

**OTHERS:** Attorney for the Town, Vincent Rossi, Jr (Arrived at 8:40 P.M)

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

**MINUTES**

**October 2, 2002 Regular Meeting**

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

**(RESOLUTION NO. 44 OF 2003)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **October 2, 2002** and does further waive the reading of the same.

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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.

**October 9, 2002 Special Meeting**

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

**(RESOLUTION NO. 45 OF 2003)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held **October 9, 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.

The Resolution was declared unanimously carried and duly adopted.

**October 16, 2002 Regular Meeting**

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. 46 OF 2003)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **October 16, 2002** and does further waive the reading of the same.

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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.

**December 28, 2002 Special Meeting**

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

**(RESOLUTION NO. 47 OF 2003)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held **December 28, 2002** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED, because he did not attend that meeting
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

**January 2, 2003 Reorganization Meeting**

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

**(RESOLUTION NO. 48 OF 2003)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Town Board Reorganizational meeting held **January 2, 2003** and does further waive the reading of the same.

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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.

**January 15, 2003 Regular Meeting**

The Town Board deferred action on the January 15, 2003 minutes until the February 19, 2003 Town Board meeting.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Agreement – Sauquoit Creek Basin institutional management structures**

**Lead Agency status (SEOR)**

At the January 15, 2003 Town Board meeting, a Resolution had been adopted to contribute Six Thousand Dollars (\$6,000) toward the Sauquoit Creek Basin Committee's efforts to become a legal entity. Because the Oneida County Planning Department lacks a bookkeeper, the Town has been approached to both execute a contract for and authorize this work to be accomplished for a not-to-exceed amount of Eight Thousand Dollars (\$8,000); the Town has been asked to be Lead Agency to assist said Committee. Answering Councilman Backman's question of whether the \$8,000 is in addition to the \$6,000 previously committed, the Highway Superintendent responded "no – the Town doesn't have to contribute anything now; the money will flow through the Town of New Hartford for contract purposes only". Thereafter, upon recommendation of Highway Superintendent, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 49 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare itself *Lead Agency* in the matter of the *Institutional Management Structures for the Sauquoit Creek Basin Committee* and does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with *Barton & Loguidice, P.C.*, for a not-to-exceed amount of Eight Thousand Dollars (\$8,000), wherein said *Barton & Loguidice* shall identify potential institutional options along with a list of desired powers and abilities and including a description of potential advantages and disadvantages associated with the institutional options identified

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The Resolution was then voted upon as follows:

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

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

**Proposed Landfill – Town of Ava**

Oneida-Herkimer County Solid Waste Authority Executive Director Hans Arnold made a public presentation last week, supporting progression of a landfill site in the Town of Ava. Highway Superintendent Cleveland inquired whether the Town Board would be inclined to support this effort by a Resolution. Councilman Backman questioned whether the Town should become involved in this type of matter, particularly because of heated objection to this location; the Town of Ava does not want this landfill. After a brief discussion, the Highway Superintendent was directed to invite Executive Director Arnold to make a presentation at the February 19, 2003 Town Board.

**RFP's & Award – Expansion of Sanger Public Works Garage**

A spreadsheet was distributed comparing the six (6) RFP's received for the expansion of the Sanger Public Works Garage, with costs ranging from \$32,000 to \$47,000 for actual design and construction. The Highway Superintendent believes all the submitting firms are qualified and based on information provided, he recommends a contract with March Associates, the low bidder, if the Town intends to go forward with the expansion. Councilmen Backman and Woodland were in favor of the proposal, citing:

- an existing space shortage for support units
- cramped quarters
- need to address individual needs, not on a one-shot-does-it-all basis
- the Planner has to share an office with the Sewer Engineer
- out of space now; where will we be in ten (10) years

However, Councilman Waszkiewicz opposed spending \$50,000 for future analyzing whether space is available at the Sanger Public Works Garage, stating:

- a consolidated administrative building would be in the taxpayer's best interest
- that the existing lunchroom can fulfill the immediate need of the Codes Enforcement Office by approximately 300 square feet
- the Assessor can be temporarily re-located to Butler Memorial Hall during grievance time and the STAR/exemption periods

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- the Town should use some other location rather than expanding a building for a room used only part of a year.

Supervisor Humphreys agreed with Councilman Woodland and Backman, favoring an expansion at the Sanger Public Works Garage. Councilman Butler stated that while he is not against the expansion, he would like to have more information and hear other possible suggestions. Councilman Waszkiewicz asked the Town Board to keep in mind that a vote to expend about \$50,000 to do studies and architectural renderings would also be a vote -- in his mind -- of endorsing that they believe the best place for the Codes, Zoning and Assessor's Office is the Sanger Public Works Garage after the Judd Road Project is completed. Thereafter, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

**\*\*(RESOLUTION NO. 50 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby accept the Request for Proposal (RFP) submitted by **March Associates** in the amount of Thirty-two Thousand Dollars (**\$32,000**) and does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with said March Associates, Archecitural Consultants, who shall prepare architectural drawings and bid specifications and documents for the **expansion of the Sanger Public Works Garage**, 111 New Hartford Street, New Hartford, NY.

The Resolution was then voted upon as follows:

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

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

**Curbside Collection Policy**

Highway Superintendent Cleveland has met with private refuse haulers in the Town over the past year and Councilman Woodland sponsored a neighborhood meeting on February 4, 2003 to address this situation. Discussions included

- residents to dispose of small amounts of waste with their private hauler on a continual basis
- large amounts of construction and demolition debris (C & D) could be disposed through more-frequently-available dumpsters

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- continue the Town's 2002 policy of containerizing C & D materials
- explore ways of continuing the white goods collection but with lesser time of the highway force.

Residents attending the February 4<sup>th</sup> meeting would like to stay at the current program but with stricter rules to prevent abusers of such program. The Town Board agreed that the Town's policy of containerized C & D must be strictly enforced and looked to the Codes Enforcement Officer for enforcement; CEO Gerald Back replied that it would be impossible for two (2) Codes Officer's to perform their primary duties and inspections and also be required to cite violators of the Town's curbside trash collection. Discussion was held in abeyance until after two (2) Public Hearings which had been scheduled for 8:00 P.M.

### PUBLIC HEARING

**8:17 P.M. LOCAL LAW INTRODUCTORY NO.  
FOURTEEN, AS AMENDED, OF 2002  
(Code Chapter 118, ZONING [Fees])**

The Town Supervisor opened the Public Hearing at 8:17 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (January 25, 2003 edition of the Observer Dispatch) and Affidavit of Posting of **Local Law Introductory No. Fourteen, As Amended, of 2002** which, if adopted, would amend the **Code** of the Town of New Hartford, **Chapter 118** thereof entitled **Zoning**, as it pertains to revised fees and some newly-instituted fees for building permits, certificates of occupancy, demolition permits, swimming pools, signs, open decks, commercial tents, fireplaces-stoves and other solid fuel burning appliances, site grading fee, sewer and septic tank permits, driveway permits, zoning area and use variances, and fire inspections. The Town Clerk also presented the recommendations of approval from the Oneida County Planning Department and the Town Planning Board and the Negative Declaration (SEQR) prepared by Planner Kurt Schwenzfeier.

Supervisor Humphreys inquired if anyone present wished to speak **in support** of Local Law Introductory No. Fourteen, As Amended; the following person(s) spoke:

- Gerald Back, Codes Enforcement Officer, spoke in favor of the revised fee schedule.

Supervisor Humphreys questioned if anyone present wished to speak **in opposition** to Local Law Introductory No. Fourteen, As Amended, no one came forth.

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There having been no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 8:20 P.M.

**NEGATIVE DECLARATION – LOCAL LAW INTRODUCTORY NO. FOURTEEN, AS AMENDED, OF 2002**

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

**(RESOLUTION NO. 51 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford, as Lead Agency in the matter of Local Law Introductory No. Fourteen, As Amended, of 2002 (revised permit fees in the Code, Chapter 118 thereof entitled Zoning), does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, which has been filed in the Town Clerk's Office.

The Town Board voted upon roll call:

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.

**ADOPTION – LOCAL LAW INTRODUCTORY NO. FOURTEEN, AS AMENDED, 2002 AS LOCAL LAW NO. TWO OF 2003**

Thereafter, Councilman Backman moved that Local Law Introductory No. Fourteen, As Amended, 2002, be adopted as Local Law No. Two of 2003, in the following format; seconded by Councilman Waszkiewicz:

**Town of New Hartford, New York**  
**Local Law No. Two of 2003**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and specifically Article XV [Miscellaneous Provisions], Section 118-93 [Fees], Subparagraphs C. through J., inclusive, as same relate to building permits, certificates of occupancy, zoning and other related fees.

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



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**SECTION 1.** Chapter 118 of the Code of the Town of New Hartford, Article XV [Miscellaneous Provisions], Section 118-93 [Fees] is hereby amended as follows:

Replace the existing Paragraph C. [Issuance of building permits] through Paragraph J. [Demolition permits] with the following new fees:

- C. Issuance of building permits
- |  |         |  |
|--|---------|--|
| (1) One or two family residences   |         | \$ .15 sq.ft.  |
| Mobile homes   |         | \$ .15 sq.ft.  |
| Multi-family residences (apartments, condominiums, townhouses – zero lot lines)                  |         | \$ .15 sq.ft.  |
| Additions (residential)  | Minimum | \$ 15.00 plus<br>\$ .15 sq.ft.   |
| Detached accessory buildings and structures  |         | \$ .10 sq.ft or<br>\$ 30.00 minimum  |
| (2) Commercial (includes buildings, additions, alterations and repairs and accessory structures) |         | \$ .12 sq.ft. for<br>first 100,000 sq.ft.<br>and<br>\$ .16 sq.ft. over<br>100,000 sq.ft. |
| (3) WHERE WORK IS STARTED BEFORE A BUILDING PERMIT IS ISSUED, THE APPLICATION FEE IS DOUBLED.    |         |  |

Building Permits expire one (1) year from the date of issue. Renewal for One (1) year is 25% of the original permit fee.

- D. Miscellaneous
- |                           |  |          |
|---------------------------|--|----------|
| (1) Demolition Permits:   |  |          |
| a.) Residential buildings |  | \$ 50.00 |
| b.) Commercial buildings  |  | \$150.00 |
| (2) Swimming Pools:       |  |          |
| a.) Above ground          |  | \$ 30.00 |
| b.) Inground              |  | \$ 50.00 |

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- (3) Signs per square foot – face area  
Minimum each sign \$ 45.00 minimum  
plus \$1 sq.ft.
- (4) Open decks:
  - a.) Up to and including 400 sq.ft. \$ 25.00 minimum
  - b.) Over 400 sq.ft. \$ 40.00
  - c.) Decks with roofs, same as additions
- (5) Commercial Tents (temporary 20 days maximum) \$100.00
- (6) Fireplaces, stoves and other Solid Fuel  
burning appliances \$ 30.00
- (7) Certificates of Occupancy:
  - a.) Residential buildings, one and two family \$ 50.00
  - b.) Multiple dwellings \$ 25.00 per  
dwelling
  - c.) Non-residential buildings:
    - 1.) first 1,000 sq.ft. \$100.00
    - 2.) each 1,000 sq.ft. or part thereof \$ 10.00
  - d.) Construction inspection. When, at the discretion of the town Codes Enforcement Officer or the Town Engineer, it is determined that independent construction inspection services for site work, exterior utilities and appurtenances are required to ensure compliance with the requirements for town codes and other town policy, an additional fee will be assessed to the applicant to compensate for the charge incurred by the town. A prepaid fee will be established by the Town Board based on the current hourly inspection rate schedule approved by the Town Board.
- (8) Site Grading Permit Fee: \$100 minimum  
or \$100 per acre;  
fractional acreage  
will be rounded  
to the nearest acre
- (9) Sewer Permits:
  - a.) Residential \$ 50.00
  - b.) Commercial \$150.00
- (10) Septic Tank Permits \$ 50.00

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(11) Driveway Permits	\$ 25.00
E. Application to Zoning Board of Appeals	
(1) Application for Area Variances:	
a.) Residential, one and two family	\$ 60.00
b.) Multiple dwellings and other non-residential uses	\$200.00
(2) Application for Use Variances (all uses)	\$200.00
(3) Applicants appearing before the Zoning Board of Appeals, upon payment of the designated fee, are entitled to only one (1) “no-show” at a Zoning Board of Appeals’ meeting, unless otherwise adjourned by said Zoning Board; and after that, the applicant must reapply and pay the designated fee.	
F. Fire Inspections	
(1) Commercial:	
a.) Up to 5,000 sq.ft	\$ 25.00
b.) 5,000 to and including 20,000 sq.ft.	\$ 50.00
c.) Over 20,000 sq.ft.	\$ 75.00
(2) Multi-family (three or more)	\$ 10.00 per unit
G. Commercial Plan Review	\$ .01 per sq.ft.
H. Request for amendment to Zoning Law, text or map amendment, excluding Planned developments:	\$100.00
I. Request for amendment to Zoning Law for Planned Development District (over five acres):	\$500.00
J. Copy of Zoning Law	\$ 50.00
K. Special permit application	\$250.00

**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.

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

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A roll call vote ensued:

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.

**PUBLIC HEARINGS (CONT'D)**

**8:21 P.M. LOCAL LAW INTRODUCTORY NO.**  
**“A” OF 2003 (Fire Hydrants)**

The Town Supervisor opened the Public Hearing at 8:21 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (January 25, 2003 edition of the Observer Dispatch) and Affidavit of Posting of **Local Law Introductory No. “A”, of 2003** which, if adopted, would amend the **Code** of the Town of New Hartford by creating a new Chapter 64 entitled Fire Hydrants and restrictions to the placement of materials on, against, or in the immediate vicinity of a fire hydrant located in the Town of New Hartford.

Supervisor Humphreys inquired if anyone present wished to speak **in support** of Local Law Introductory No. “A”, no one came forth.

Supervisor Humphreys questioned if anyone present wished to speak **in opposition** to Local Law Introductory No. “A”, no one came forth.

Town Planner Kurt Schwenzfeier mentioned that fire hydrants are located within the Town’s highway right-of-way and he suggested adding specific language to prevent possible liability on the Town during snowplowing season. Deputy Highway Superintendent DeCuffa confirmed that most hydrants are in the right-of-way and that during heavy snowfalls, it may take a week for personnel to manually free hydrants of snow deposited through plowing.

There having been no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 8:31 P.M.

Thereafter, Councilman Backman moved the following Resolution; seconded by Councilman Butler:

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**(RESOLUTION NO. 52 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby defer action on Local Law Introductory No. "A" of 2003 to allow an amendment to said legislation to limit the Town's liability during snowplowing season.

The Town Board voted upon roll call:

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 (CONT'D)**

**HIGHWAY SUPERINTENDENT**

**Curbside Collection Policy (Cont'd)**

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

**(RESOLUTION NO. 53 OF 2003)**

**WHEREAS**, the Town's annual Curbside Collection Program has been in existence for about sixteen (16) years; and

**WHEREAS**, the residents of the Town have come to expect the Program's continuance; and

**WHEREAS**, the amount of material collected has grown exponentially over the years, and to the point where the program is both taking an inordinate amount of time and manpower and being conducted at great expense; and

**WHEREAS**, the Town Board believes that some action is required to reduce the labor time and expense associated with this program, and has requested the Advisory Committee on Public Works and Sewers to study the matter and make recommendations to this end; and

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**WHEREAS**, the Advisory Committee on Public Works and Sewers, having reviewed the Town of New Hartford’s Program and other municipalities’ programs, has offered recommendations;

**NOW, THEREFORE, BE IT RESOLVED** that the Town, in order to better regulate the volume of material being set curbside for the Town’s annual Curbside Collection Program, does hereby adopt the following guidelines for the types, kinds and numbers of items being set out for collection:

- A. That the program shall be offered only to private, single, two, three and four family residences, other types of residences being of a commercial nature, i.e., to include but not be limited to apartment complexes, boarding houses, condominium complexes, mobile home parks, and businesses
  
- B. That the following items, **to include but not be limited to**, shall be collected by the Town, noting where applicable, the maximum number of any particular item to be set out **per single family residence and for multi-family residences**, per collection event:

<u>ITEM</u>	<u>Single Family Residence</u>	<u>Multiple Family Residences</u>
<i>Major Appliances</i>		
Stove	One (1)	Two (2)
Refrigerator	One (1)	Two (2)
Water Heater	One (1)	Two (2)
Washer	One (1)	Two (2)
Dryer	One (1)	Two (2)
Television	One (1)	Two (2)
Computer Monitor and Components	One (1)	Two (2)
Window Air Conditioner	One (1)	Two (2)
 <i>Furniture</i>		
Sofa	One (1)	Two (2)
Chairs	Four (4)	Eight (8)
Bed	One (1)	Two (2)
Box springs and mattresses	One (1)	Two (2)
Tables	One (1)	Two (2)
Dressers	One (1)	Two (2)
Carpets	One (1)	Two (2)

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*Metals*

Shed (small)	One (1)	Two (2)
Storm window frames (no glass)		
Screens		
Cabinets	One (1)	Two (2)
Metal fencing (no wood)		
Outdoor furniture		
- Table	One (1)	Two (2)
- Chairs	Four (4)	Eight (8)
Outdoor Grill (without propane tank)	One (1)	Two (2)

*Plastic*

Children's toys (without batteries)		
Outdoor furniture		
- Table	One (1)	Two (2)
- Chairs	Four (4)	Eight (8)

<i>Tires (un-mounted)</i>	Four (4)	Eight (8)
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**Construction and Demolition Debris (not to exceed in total, one [1] cubic yard of materials, which SHALL be containerized in up to three [3] garbage cans, wherein the Town is not liable for any damage to the containers.)**

Cardboard boxes will not be picked up. The Town ***will not*** pick up any construction and demolition debris that is not containerized.

C. That the following shall **not** be eligible for collection:

- Mounted tires
- Batteries
- Paint cans (whether they are full, partially full, or empty)
- Hazardous materials including, but not limited to:
  - Paint thinners
  - Lacquers
  - Cleaning liquids
  - Gasoline
  - Used motor oil
  - Asphalt sealing materials
- Recyclables to include, but not limited to:
  - Cardboard
  - Plastic containers
  - Glass containers
  - Bottles

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Newspaper  
Magazines  
Paper Bags

- D. Construction and Demolition materials may be disposed of with the Town at the Town's dumpster collection, scheduled for a minimum of once per year, and for a fee as determined by the Town Board.
- E. Homeowners are encouraged to contact the Oneida-Herkimer Solid Waste Authority which has facilities and programs for all other non-eligible waste noted above.

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 Resolution was declared unanimously carried and duly adopted.

**Agreement – Bituminous Concrete Paving/Ocuto Blacktop**

With regard to whether the Town may extend its road paving Agreement beyond a one-year period in order to benefit from lower prices, Attorney for the Town Vincent Rossi, Jr. referred to a State Comptroller's opinion that a municipality may include an option (exercisable only by the Town) in the bid specifications to extend the agreement (contract) beyond the one-year period. Action on this matter was deferred until the February 19, 2003 Town Board meeting.

**Abandonment - Kavod Road**

Discussion was held relative to pursuing the possible reverse dedication of Kavod Road in the Charles Sitrin Health Care Center complex. Attorney Rossi advised that the neighboring property owners would be required to sign a petition. Councilman Waszkiewicz believes it is in the best interest of the Town to undedicate the road and turn it over to the former owner, the Charles Sitrin Health Care Center. The Board consented to wait for a petition from the residents.

**Agreement – Striping of Town Roads (Oneida County)**

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



**(RESOLUTION NO. 54 OF 2003)**

1. **RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through the Department of Public Works, 6000 Airport Road, Oriskany, New York, for the calendar year 2003 and as more fully set forth in said Agreement filed in the Town Clerk's Office.

The foregoing Resolution was duly put to a vote upon roll call which resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted

**Appointment – Part-time, Seasonal Laborer (Wingman)**

Upon recommendation of Highway Superintendent Cleveland who had reviewed the matter with the Personnel Assistant, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 55 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint Jazmond Davis as a Part-time, Seasonal Laborer (Wingman) in the Highway Department, effective February 6, 2003, at an hourly rate of Seven Dollars and Fifty-Cents (\$7.50); payable by-weekly.

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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### **Water Supply Issue**

Superintendent Cleveland has met with consultants, Burley and Guminiak who will make a brief presentation at the March 5, 2003 Town Board meeting on future water districts in the Town.

### **Agreement - Systems Development Group**

Councilman Backman, Superintendent Cleveland and Planner Schwenzfeier have discussed a possible computer component agreement with SDG (Systems Development Group). The Planner's computer system has "crashed" and actions needs to taken to get it operating again. Councilman Backman suggest purchasing another high-end state-of-the-art server. The Superintendent of Highways confirmed that there was money in the budget to cover this expense. It was the Town Board's consensus to have the Town Planner look into prices and determine if the Town should bid on this or use an on-board consultant.

### **Pre-emptive Device – Traffic Signals**

The New York Mills Village Mayor had approached the Highway Superintendent of whether the Town would fund a maximum of Forty-eight Hundred Dollars (\$4800) for pre-emptive devices to equip their fire apparatus; however, the New York Mills fire apparatus do not contain the mechanism to activate the devices. After some discussion of funding sources, such as Fees In Lieu of Mitigation (FILM) collected from the French Road GEIS or a possible donation from WalMart, the Highway Superintendent was authorized to further talk with the Village Mayor.

### **Abstract of Title – portion of Graffenburg Road**

The Attorney for the Town has reviewed the matter of a title discrepancy to a Graffenburg Road parcel owned by Mr. Tartaglia; this involves an old private road that is merely a driveway and somehow in 1931 the Town secured an easement over the road, which is now creating a problem for Mr. Tartaglia who wishes to sell the property. Attorney Rossi will further pursue this and report to the Town Board.

### **Surplus Land - Seneca Turnpike (Sewer Pump Station)**

Responding to Councilman Backman's inquiry about sale of the surplus land on Seneca Turnpike, Highway Superintendent Cleveland replied he has not talked with the abutting property owners yet, but will report the status at a later date.

### **Re-alignment of Sessions Road**

Relative to re-aligning a portion of Sessions Road, the affected property owners have been contacted but the Town has not received their response.

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### **Whitetail Meadows Subdivision – Water Works Corporation**

Superintendent Cleveland has talked with the UMVRWB (Upper Mohawk Valley Regional Water Board) and they have decided they do not want to be involved and are not interested in the project. Superintendent Cleveland has also conferred with the New York State Department of Health and they say that if the project doesn't do well, then the Town will end up with the problem. Councilman Backman says that the Town has no liability, is not culpable and that the day the bearings burn out on the pump then it's understood that the number of persons in the Water Works Corporation will be held accountable. Attorney Rossi said the developers are basically proposing that the Town create a water district to serve seven to nine lots in this development.

### **ASSESSOR:**

#### **Annual Re-Assessment Update**

Assessor Paul Smith distributed a comparison of the 2002 and 2003 re-assessment figures; overall, the Town is seeing a Ten Percent (10%) appreciation rate since last year. The only areas that haven't changed enough would be the Perry Manor and Liberty Gardens developments. The Assessor has also run valuations on both Villages and because Code policies in the Village (no permits for porches, decks, etc.) are different from the Town, Village parcels have resulted in a drastic increase. Affected property owners will be notified in writing by May 1<sup>st</sup>, 2003 of their change in assessment and the Assessor recommended scheduling information meetings for the residents; the Town Board's consensus was to invite the New Hartford School Board as well.

### **PARKS AND RECREATION DIRECTOR:**

#### **Agreements- Ice Rental and Concessions**

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

#### **(RESOLUTION NO. 56 OF 2003)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreements and Concession Agreements for the 2002-2003 Ice Season between the Town of New Hartford and the following organizations:

- New Hartford Youth Hockey Association, Inc. and the Youth Hockey Concession
- Skating Club of New Hartford
- New Hartford Central School District
- Mohawk Valley Old Timers League
- Skater's Edge Concession

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all of which groups have provided the Town with the appropriate Certificate of Insurance.

The Town 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.

**State Work Reimbursement Program**

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

**(RESOLUTION NO. 57 OF 2003)**

**WHEREAS**, the Parks and Recreation Department had participated in a State Work Reimbursement Program (“Green Thumb”) during the summer of 2002 and has now received reimbursement in the amount of Twelve Hundred Dollars (\$1200) for wages paid;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the deposit of said Twelve Hundred Dollar reimbursement into Whole-Town General Fund Account AA7110.14 (Seasonal Employees for 2002).

The Town 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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**Training**

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

**(RESOLUTION NO. 58 OF 2003)**

**WHEREAS**, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Michael Jeffreys, Parks and Recreation Director to attend the New York State Parks and Recreation Conference from March 30- April 2, 2003 in Long Island, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Vacation Credit**

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

**(RESOLUTION NO. 59 OF 2003)**

**WHEREAS**, two (2) vacancies had existed in the Park and Recreation Department due to the resignation of employees effective July 31, 2002 and departmental projects had been planned, leading to the cancellation and rescheduling of James Campbell's vacation time;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Bookkeeper to credit the two (2) days of vacation James Campbell used on January 2 and January 3, 2003 to his 2002 vacation time so that his records reflect that no 2003 vacation time has been used.

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:**

**Police Facility/Kellogg Road**

The Town Board authorized Police Chief Raymond Philo to contact Clark Patterson Associates for an evaluation of the Jerome K. Madden Justice Building to determine if the structure could support a second level, taking into consideration structural ability and code issues. Subsequently, the Town could discuss costs of designing a plan and seeking competitive bids. The Town Board directed Codes Enforcement Officer Gerald Back to perform a “walk through” at the Madden Justice Building, for codes issues and compliance.

**Creation of Full-Time Dispatch Position (No. 6)**

Subsequent to the appointment of Craig Burnop as a full-time Dispatcher effective January 26, 2003, it was learned that no position existed for this appointment. Therefore, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 60 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby create the position of Full-Time Dispatcher (Position No. Six) in the Emergency Dispatch Center, effective immediately, and in accordance with all New York State Civil Service rules and regulations.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared carried and duly adopted.

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**Appointment – Reaffirmation /Craig Burnop**

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

**(RESOLUTION NO. 61 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby re-affirm the January 15, 2003 appointment of Craig Burnop as a Full-Time Dispatcher (Position No. 6) in the Emergency Dispatch Center at an annual salary of Twenty-Three Thousand Four Hundred Ninety-Three Dollars (\$23,493); payable by-weekly.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared carried and duly adopted.

**TOWN CLERK:**

**Training**

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

**(RESOLUTION NO. 62 OF 2003)**

**WHEREAS**, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Gail Wolanin Young, Town Clerk, to attend the New York State Town Clerks Association Annual Conference from April 27- 30, 2003 in Buffalo, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Resolution was declared unanimously carried and duly adopted.

**Financial Assistance – Construction of new fire house/Willowvale Fire Company, Inc.**

Regarding Councilman Backman’s inquiry of whether the Town could financially assist the Willowvale Fire Company in constructing a new firehouse, the Town Clerk had contacted Attorney Thomas Myers, Bond Counsel. Attorney Myers stated that because the Willowvale Fire Company is a volunteer organization, it is not a municipal entity and therefore, cannot levy and/or collect taxes. The Town of New Hartford cannot lend credit or borrow money in behalf of the Willowvale Fire Company because the latter is not a municipal entity. Attorney Myers suggested a TEFRA Hearing could be held and if the Town Board gave approval and the Town Supervisor signed off, the Willowvale Fire Company could be eligible for a tax-exempt loan secured by the Fire Protection Contract held by the Town. Under Federal Law, a TEFRA Hearing is required in order to issue a tax-exempt loan. Councilman Backman asked if Bond Counsel would render their opinion in writing; the Town Clerk will request same.

**Inter-Municipal Building Code Services**

Town Clerk Gail Wolanin Young reviewed three (3) changes that New Hartford Village Clerk Janet Durr said were necessary before the Village Board would sign the Inter-Municipal Agreement for Building Code Services. The Town Supervisor will talk to the Village Mayor regarding this.

**“Penny’s Law”- Assembly Bill #A2580**

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

**(RESOLUTION NO. 63 OF 2003)**

**WHEREAS**, Candy Brown is seeking endorsement from the Town of New Hartford of proposed legislation entitled “Penny’s Law - Assembly Bill #A2580”, which if adopted, would mandate that children tried and convicted as an adult would then be sentenced as an adult; and

**WHEREAS**, the Town of New Hartford Police Department has supported “Penny’s Law” and encouraged the Town Board to do so;



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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby vote to support “Penny’s Law - Assembly Bill #A2580” and does authorize and direct the Town Supervisor to forward said endorsement to Ms. Brown.

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 Resolution was declared unanimously carried and duly adopted.

**\$1,155,000 Bond Resolution – Reconstruction of Bleachery Avenue Bridge**

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

**(RESOLUTION NO. 64 OF 2003)**

**WHEREAS**, it has been determined that the object or purpose hereinafter described constitutes a Type II action as defined under the State Environmental Quality Review Act regulations of the State of New York which, by definition, will not have a significant adverse impact upon the environment; **NOW, THEREFORE, BE IT.**

**RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

Section 1. The reconstruction of the Bleachery Avenue Bridge in and for the Town of New Hartford, Oneida County, New York, including incidental expenses, is hereby authorized at a maximum estimated cost of \$1,155,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$1,155,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, **PROVIDED, HOWEVER**, that, to the extent that any grants-in-aid are received for such project, the amount of serial bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose twenty years, pursuant to subdivision 10 of paragraph a of

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Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will not exceed five years**.

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall be otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in full in *The Observer-Dispatch*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted.

**Adjournment**

Councilman Waszkiewicz made a motion to adjourn, said motion was not seconded.

**MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN**

**COUNCILMAN WASZKIEWICZ:**

**Co-Op Alliance for Services**

- a) Councilman Waszkiewicz says he will try to get information to the Board for the next meeting regarding cellular phone rates.
- b) Based on conversations with the County Executive, Councilman Waszkiewicz has initiated discussions with open bidding for gas service for municipalities within Oneida County.
- c) The Board gave its consent for Councilman Waszkiewicz to discuss and explore co-op services with Villages within our Town so that we may improve and reduce service costs. Councilman Waszkiewicz, however, will not pursue anything without Town Board’s permission. Councilman Butler also would like to participate in this area.

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### **EDGE Zone Board Update**

Councilman Waszkiewicz will provide the Town Clerk with a list of businesses included in the Economic Development Zone. Henceforth, the acreage that is approved must be contiguous to one (1) of three (3) parcels, so the “rifle” approach to the Empire Zone approval is no longer available.

### **North-South Highway Corridor Improvement**

Councilman Waszkiewicz has received twenty-two (22) mirror resolutions and consensus in the County is that each municipality and governing body’s most important economic development catalyst is to improve the North-South Highway Corridor. From all indications, this area’s Federal officials are working to maximize the funding to maximize the improvement.

### **Water Improvements – Upper Mohawk Valley Regional Water Board (UMVRWB)**

Councilman Waszkiewicz stated that the UMVRWB is exempt from any SEQR notification; however, he would like to ask the UMVRWB to notify the Town when they plan an improvement in our Town. UMVRWB plans are not required to go through the Town Planning Board. Councilman Waszkiewicz will draft a letter for the Board to review before it is sent.

### **Senior Overnight Trips**

Councilman Waszkiewicz inquired what the Board’s position was on senior overnight trips. The State will only fund day trips and more trips can be funded if only day trips are permitted by the Town Board. The Board tabled this topic in order to review the written suggestions.

### **Gender Ratio - Town Committees**

Responding to a question posed by Shirley Riggles within the past month, Councilman Waszkiewicz reported that 25 % of Town Committee persons are female. He would like to make an appeal to the Board to stress availability to all genders while making appointments.

## **COUNCILMAN BACKMAN:**

### **Motor Pool Committee**

#### **Vehicle Usage - (Section 500-4; Town of New Hartford Employee Handbook)**

Councilman Backman acknowledged receipt of Recreation Center Manager John Cunningham’s request to use a Town vehicle; it was the Board’s consensus that Recreation Center Manager Cunningham continue use of vehicle privileges.

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**Codes Violation**

Attorney Rossi apprised Councilman Backman that he was aware of a structure in Chadwicks where a roof had fallen in, presumably due to heavy snowfall this winter; Attorney Rossi will meet with Codes Enforcement Officer Gerald Back on this matter.

**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. 65 OF 2003)**

**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. 3	\$ 4,550.75
General Fund, Whole-Town Abstract No. 4	\$ 81,839.45
General Fund, Part-Town Abstract No. 3	\$ 13,061.06
General Fund, Part-Town Abstract No. 4	\$ 16,460.54
Highway Fund, Part-Town Abstract No. 3	\$ 9,755.59
Highway Fund, Part-Town Abstract No. 4	\$ 57,906.70
Sewer Fund Abstract No. 3	\$ 2,620.37
Sewer Fund Abstract No. 4	\$ 6,719.89
Street Light District Abstract No. 3	\$ 8,027.65
Street Light District Abstract No. 4	\$ 5,272.78
Stormwater Drainage Abstract No. 3	\$ 84.00
Butler Memorial Hall Renovations Abstract No. 2	\$ 330.86
<b>TOTAL:</b>	<b>\$206,629.64</b>

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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**Fire Protection Contract - Willowvale Fire Company, Inc.**

Councilman Backman moved the following Resolution for adoption and Councilman Butler seconded same:

**(RESOLUTION NO. 66 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2003 and ending December 31, 2003 between the Town of New Hartford and **District 4, Willowvale Fire Company, Inc.**, in the amount of One Hundred Twenty Thousand Dollars (**\$120,000**).

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

**Fire Protection Contracts - Village of New Hartford Fire Department**

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

**(RESOLUTION NO. 67 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contracts commencing January 1, 2003 and ending December 31, 2003 between the Town of New Hartford and **District 1 and 2 and District 3**, Village of New Hartford and its Fire Department, as follows:

- Districts 1 and 2 - **\$351,909**
- District 3 - **\$ 30,601.**

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

**Insurance – Terrorism Coverage**

After reviewing notification from the Town's insurance carrier relative to terrorism coverage for an annual premium of One Hundred Forty-Seven Dollars (\$147), the Town Board concurred to decline such coverage and authorized the Town Supervisor to notify Bailey & Haskell of the Town's decision.

**Phone Service Supplier**

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

**(RESOLUTION NO. 68 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to change the Town's phone service supplier if he deems it appropriate and beneficial to the Town, contingent upon approval of Attorney Vincent Rossi, Jr..

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 69 OF 2003)**

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

- possible acquisition of real estate
- existing certiorari (assessment) proceedings

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- Herbowy vs. Town
- Carucci and Pugh vs. Town
- Cully vs. Town
- Rende vs Town/Village of New Hartford
- matters involving the possible elimination of a particular position.

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, Town Clerk and Deputy, were then excused from the meeting at 11:18 P.M. Attorney for the Town, Vincent Rossi, Jr., remained.

**(NOTE: THE FOLLOWING TRANSCRIPT WAS PROVIDED BY COUNCILMAN WOODLAND ON THURSDAY, FEBRUARY 6, 2003.)**

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 70 OF 2003)**

**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 12:10 A.M. The regular portion of the Town Board meeting was immediately reconvened.



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**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Woodland, the meeting was adjourned at 12:11 A.M. on Thursday, February 6, 2003/

**Respectfully Submitted,**

**Sarah A. Long  
Deputy Town Clerk II**

**Gail Wolanin Young, CMC/RMC  
Town Clerk**

\*\*Resolution No. 50, authorizing a contract with March Associates was **RESCINDED** at the March 5, 2003 Town Board meeting inasmuch as it was not a Bond Resolution and had not been adopted by a super-majority vote (4 of 5 members).