

**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, MARCH 5, 2003 AT 6:15 P.M.**

The Town Supervisor called the meeting to order at 6:15 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 (Arrived at 6:55 P.M.)
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Planner Kurt L. Schwenzfeier
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

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

MINUTES

February 19, 2003 Regular Meeting

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

(RESOLUTION NO. 85 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 **February 19, 2003** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSTAINED
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye

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Supervisor Humphreys - Aye.

The Resolution was declared carried and duly adopted.

December 4, 2002 Regular Meeting

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

(RESOLUTION NO. 86 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 **December 4, 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	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

PUBLIC PRESENTATIONS

HIGBY ROAD WATER PROJECT – NEGATIVE DECLARATION (SEQR):

Robert Guminiak of Burley-Guminiak & Associates updated the Town Board on his progress with securing funding for the Higby Road Water Project. In October 2002, the Town was above the funding line (85 points) and in December 2002, Mr. Guminiak submitted a hardship request in an attempt to secure a low-interest loan for the Higby Road Water Project that would service the area of Higby Road, Tilden Avenue, Mohawk Street, Sessions Road, Roberts Road and Mallory Road. The median income established by the U.S. Census in 1990 was used in this application; however, beginning the Summer of 2003, applicants will be able to use the median income from the 2000 U. S. Census, which saw an increase nation-wide. If awarded the loan, the Town will need to commit to the project, after which the district formation process will begin. The Higby Road Water Project would be one hundred percent (100%) funded by the Environmental Facilities Corporation (EFC), which administers the Safe Water Drinking Fund; repayment would be made through annual tax levies of properties within the service area. Discussion included the Target Service Charge (TSC) per parcel, estimated between \$510 and \$584, which includes an estimated annual sum of \$203 for the water usage (exclusive of sewer) fee to be paid to the Upper Mohawk Valley Regional Water Board, leaving an

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estimated debt repayment between \$307 and \$381. He suggested that an informational meeting be held on this matter and then a public hearing probably in May 2003; if, after the Public Hearing, positive reaction is received from the property owners, Burley-Guminiak will commence preparation of plans and specifications and would anticipate construction to begin during Summer of 2004, with water service available in Autumn of 2004. Mr. Guminiak wished to conclude the environmental review process tonight. Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 87 OF 2003)

RESOLUTION DETERMINING THAT THE PROPOSED TOWN OF NEW HARTFORD HIGBY ROAD WATER PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

WHEREAS, the Town Board of New Hartford is considering a proposal to construct the new water system known as the Higby Road Water Project; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, hereafter SEQRA, the Town Board must determine whether such proposal may have a “significant effect on the environment” and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Town Board in determining whether the proposal may have a significant impact upon the environment, a full environmental assessment form (EAF) has been prepared, a copy of which was presented and circulated at the Town Board’s December 18, 2002 meeting; and

WHEREAS, pursuant to Part 617, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the proposal; and

WHEREAS, the New York State Department of Environmental Conservation (hereafter “NYSDEC”) and New York State Department of Health (hereafter “NYSDOH”) and the Town of New Hartford are the involved agencies as that term is defined in 6 (A2) NYCRR Section 617.2(t); and

WHEREAS, no further review is required under SEQRA;

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NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Hartford as follows:

1. Based on its examination of the EAF, the criteria set forth in Section 617.11 and 617.6 of the regulations, and such further investigation as the Town Board has deemed appropriate, no potential significant adverse impacts are known.
2. Consent to proceed with the project will not cause a significant impact on the environment, and the Town Board will not require the preparation of an environmental impact statement;
3. A negative declaration is to be prepared; and
4. The Town Clerk of the Town of New Hartford is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the Clerk shall mail copies, return receipt requested, to:
 - a) Office of the Commissioner
Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233
and
 - b) Environmental Notice Bulletin
NYSDEC
50 Wolf Road, Room 538
Albany, NY 12233-1750
and
 - c) NYSDOH
Bureau of Public Water Supply
Flanigan Square
547 River St., Room 400, 4th Floor
Troy, NY 12180-2216
5. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

The Town Board voted upon 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.

HIGBY ROAD WATER PROJECT – AERIAL PHOTOGRAPHY

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

(RESOLUTION NO. 88 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with ***LaFave, White & McGivern***, Boonville, New York for a not-to-exceed amount of Three Thousand Eight Hundred Sixty-five Dollars (\$3,865) wherein said firm would perform aerial photography over the ***Higby Road Water Project area***, subject to:

- review of the Town Planner
- contingent upon such aerial photography *not being available* from another governmental agency
- the identification of Town account(s) from which this project would be paid.

The Town Board voted upon roll call, as follows:

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

The Resolution was declared unanimously carried and duly adopted.

TIBBITTS ROAD/SNOWDEN HILL ROAD WATER PROJECT:

The Tibbitts/Snowden Hill Road water project application only scored 60 points but with the help of the Upper Mohawk Valley Regional Water Board, the application gained 20 points, which was still below the 85-point threshold and therefore, not eligible for funding in 2003; the Town can re-submit in 2004. Mr. Guminiak suggested the Town might be eligible for funding through the Rural Development Funding Program.

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Agreement for Final Application – Tibbitts/Snowden Hill Road Water Project

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

(RESOLUTION NO. 89 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with Burley-Guminiak & Associates who shall prepare the Final Application for Rural Development Funding for the Tibbitts-Snowden Hill Road Water Project, at a cost not to exceed Three Thousand Dollars (\$3,000) plus actual expenses not to exceed Five Hundred Dollars (\$500), said fees to be paid from the Contingency Account and to be reimbursed if the Project is constructed and bonded.

The Town Board voted upon roll call, as follows:

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

The Resolution was declared unanimously carried and duly adopted.

PROPOSED LANDFILL – TOWN OF AVA:

Oneida-Herkimer Counties Solid Waste Authority, Executive Director Hans Arnold, briefed the Board on the current status of the regional landfill authority and sought Town Board support to construct a regional landfill in the Town of Ava. Executive Director Arnold noted that Oneida-Herkimer Counties' trash is currently being shipped to the Rochester, NY and Pennsylvania landfills where they are collecting millions of dollars of our local monies; he also cited the increase in fuel prices for transporting this trash. Executive Director Arnold reviewed the Project's history. Discussion ensued among Board members:

- would like to avoid public opposition between municipalities
- Resolution by Town Board might leave negative impact on another community
- no opposition to the landfill creation in Ava
- rather than letter from Town Board, each Councilman who supports the project write a letter.

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Supervisor Humphreys believed the Town should stand behind the Oneida-Herkimer Counties Solid Waste Authority who has spent millions of dollars in studies and five years of time and effort. Executive Director Arnold will review his files to determine what other municipalities may have supplied letters of support. The Town Board took no action.

JUDD ROAD CONNECTOR LIGHTING – AMEND NUMBER OF LIGHTS:

As a result of his meeting with the Town Board on February 19, 2003, Steve Zywiak of the New York State Department of Transportation (DOT) reviewed with DOT staff the Town’s concerns with DOT’s proposal to increase lights along Judd Road from thirty-five (35) lights to one hundred two (102) lights, with the associated expense. DOT has now revised their lighting plan to a total of forty-two (42) lights, with an annual cost in 2003 estimated at \$10,107.30, exclusive of surcharges and taxes; NIMO will provide lamps and maintenance. Thereafter, the following Resolution was introduced by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 90 OF 2003)

WHEREAS, subsequent to the Town Board’s March 1, 2000 adoption of the State’s **Resolution for Maintenance of Lighting/Judd Road Connector Project, P.I.N. 2801.27B**, the New York State Department of Transportation submitted a revised lighting plan for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby amend a Resolution, adopted March 1, 2000, as follows:

“That the Town of New Hartford does hereby approve the installation of forty-two (42) street lights, and the above-mentioned work performed on the project and as shown on the contract plans relating to the project and that the Town of New Hartford will maintain or cause to be maintained the new lighting, performed as above stated and as shown on the contract plans; the projected annual lighting expense for the forty-two (42) lights [based upon 2003 rates], excluding taxes and surcharges, is \$10,107.30.”

The Town Board voted upon roll call, as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Director of Senior Services Eileen Spellman distributed her department's monthly report.

PLANNER:

Proposed Zone Text Amendment – PHB District (Special Use Permits) – 239 Review

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

(RESOLUTION NO. 91 OF 2003)

WHEREAS, Town staff have recommended that self-storage units and a gas station be included as Special Use Permits in all Planned Highway Business (PHB) Districts in the Town's Zoning Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby refer this proposed Zone Text Amendment to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town's Zoning Law.

The Resolution was voted upon 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.

Small Municipal Separate Storm Sewer System (MS4)

Planner Schwenzfeier had filed with the NYS Department of Environmental Conservation a *Notice of Intent* for Coverage under an SPDES General Permit for Storm Water Discharges from SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS; copies were available for Town Board review.

TELECOMMUNICATOR SUPERVISOR:

CAD/RMS System

Telecommunicator Supervisor Jeffrey Madden continues to work with three (3) vendors on submitting Requests for Proposals for the purchase of a new Computer Aided

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Dispatch (CAD) system. After discussion, Attorney Rossi was asked to review the quotes received by the Telecommunicator Supervisor and to render an opinion.

HIGHWAY SUPERINTENDENT:

Dig Safely New York (Formerly UFPO)

The Highway Superintendent had received some information on e-mail service for FAX transmissions. Councilman Backman has visited the Dig Safely's website, has read some information regarding the ASCII machine but is a little wary on the matter and would like to seek other vendors for quotes.

Expansion of Sanger Public Works Garage - Rescind Resolution No. 50, 2003

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

(RESOLUTION NO. 92 OF 2003)

RESOLVED that the New Hartford Town Board does hereby *rescind*, effective immediately, Town Board **Resolution No. 50, adopted February 5, 2003**, authorizing the Town Supervisor to enter into and to execute an Agreement with March Associates for the preparation of architectural drawings and bid specifications and documents for the expansion of the Sanger Public Works Garage; this action is taken because Town Law requires that construction or renovation of a municipal building is subject to permissive referendum and a Bond Resolution must be adopted by a super-majority (at least 4 – 1) when incurring expenses for such construction or renovation.

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.

Proposed Bond Resolution – Expansion of Sanger Public Works Garage

With conflicting ideas among some Board members relative to the expansion of the Sanger Public Works Garage, Councilman Waszkiewicz requested that no action be taken on the Bond Resolution prepared by ORRICK, HERRINGTON & SUTCLIFFE, bond counsel, until the matter of possible real property acquisition is discussed in Executive Session.

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Oneida Street

In response to Councilman Backman's request, Police Chief Philo and Highway Superintendent Cleveland have determined that there is sufficient space for vehicles to pass according to State standards. As far as the speed limit sign – vehicles turning off Sessions Road, there is no need to move that traffic device.

Appointment – Temporary, Seasonal Clerical Assistance

The Highway Superintendent recommended that Ava Massoud and Catherine Khoury be appointed to perform clerical work at \$7.75 per hour, a \$.25 increase; Supervisor Humphreys suggested maintaining the \$7.50 per hour wage rate and review all part-time workers' wages. Thereafter, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 93 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Ava Massoud as a Part-time, Seasonal Clerk in the Highway Department at an hourly rate of Seven Dollars and Fifty-Cents (\$7.50); payable bi-weekly. Ms. Massoud's appointment is effective Monday, March 10, 2003 and ends Friday, March 14, 2003; and be it

FURTHER RESOLVED that said Town Board does hereby appoint Catherine Khoury as a Part-Time Student Worker in the Highway Department at an hourly rate of Seven Dollars and Fifty-Cents (\$7.50); payable bi-weekly. Ms. Khoury's appointment is effective Monday, March 24, 2003 and ends Friday, March 28, 2003.

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.

Surplus Property on Seneca Turnpike

Two (2) people are interested in acquiring this 40' x 60' parcel that is no longer needed by the Town for a sewer pump station. Town Board consensus was for Highway Superintendent Cleveland to obtain sealed bids for the sale of the land and to work with Attorney Rossi on this matter. The Board reserves the right to reject any and all bids received.

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Curbside Collection

Highway Superintendent Cleveland stated that the trash pick-up flyers will be distributed the third week in March and that the first dumpster day is March 12, 2003 at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford.

Sessions Road – Possible Realignment

Highway Superintendent Cleveland had a conversation with Frank Przybycien of Mohawk Valley Community College relative to performing a survey and design to realign Sessions Road.

2003 Bituminous Concrete Paving – Ocuto Blacktop Paving

Upon recommendation of the Highway Superintendent and after review by Attorney Rossi, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 94 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an agreement with Ocuto Blacktop Paving wherein said Ocuto Blacktop will extend their 2002 unit bid prices for Bituminous Concrete Paving through the calendar year 2003.

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.

Dump box – Account No. for Payment

Supervisor Humphreys inquired about the Account number from which the dump box would be paid; Highway Superintendent Cleveland didn't have the information but will provide it at the March 19, 2003 Town Board meeting.

Whitetail Meadows - Water Works Formation

Attorney Rossi says that he wrote the developer a letter and is awaiting a response from them.

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Salerno 22-lot Subdivision

Councilman Waszkiewicz stated that Joseph Salerno would like to proceed with Phase II of his 22-lot subdivision and Councilman Waszkiewicz inquired if there was any advice Burley-Guminiak & Associates might offer “..to get the ball rolling”. Highway Superintendent Cleveland reported that the Upper Mohawk Valley Regional Water Board had apprised Mr. Salerno that he needs to submit drawings for water supply for their review and review by the Town Planning Board. Further, Mr. Salerno needs to meet with the Town Planner and start the process.

TOWN CLERK:

Re-Appointment – Zoning Board of Appeals Chairman

The Town Clerk reported that because Gerald Green had failed to take the required Oath of Office within the prescribed time, the position of Chairman of the Zoning Board of Appeals became vacant. Thereafter, the following Resolution was introduced for adoption by Councilman Butler and duly adopted by Councilman Waszkiewicz:

(RESOLUTION NO. 95 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby re-appoint Gerald J. Green as Chairman of the New Hartford *Zoning Board of Appeals* for a one-year term commencing immediately and ending December 31, 2003.

The Board members voted upon roll call, as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

COMPETITIVE BIDS – RELEASE OF BID SPECIFICATION DEPOSITS

Upon recommendation of the Town Clerk, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 96 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release from the Trust and Agency Account the bid specification

fees deposited by the following bidders that have returned said specifications relating to the following projects:

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Re-Bid/Sanger Public Works Garage Roof (August 21, 2002)

- Pulver Roofing, Inc. - \$ 20.00
- Deluxe Roofing & Sheet Metal Corp.- \$ 20.00

Reconstruction of Bleachery Avenue Bridge (September 10, 2002)

- Tioga Construction Co. - \$100.00
- Delaney Construction Corp. - \$100.00
- Eastern Bridge, LLC - \$100.00
- CCI Companies, Inc. - \$100.00
- Slate Hill Constructors, Inc. - \$100.00

Sidewalk Construction (September 13, 2002)

- D'Amore Masonry - \$ 20.00 (first set only)
- J.A.M. Enterprise - \$ 20.00
- Murphy Excavating Corp. - \$ 20.00

and be it

FURTHER RESOLVED that the following bidders and non-bidders hereby forfeit their ***bid specification fees*** deposited because the specification books had not been returned to the Town as prescribed in the Advertisement of Bidders and the Town Board does hereby authorize and direct the Town Bookkeeper to transfer said ***forfeited fees*** from the Trust and Agency Account to Whole-Town General Fund Account A2620.4 (Forfeiture of Deposits):

Reconstruction of Bleachery Avenue Bridge (September 10, 2002)

- High Steel Structures, Inc. - \$100.00
- International Bridge & Iron Co. - \$100.00
- Cianbro Corporation - \$100.00
- CATOH, Hayward Baker, Inc. - \$100.00
- Buffalo Drilling Company - \$100.00
- D. S. Brown Company - \$100.00
- Vector Construction Corp. - \$100.00
- Seismic Energy Products - \$100.00.

Sidewalk Construction (September 13, 2002)

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- SJN Construction, Inc. - \$ 20.00
- D'Amore Masonry (2nd set) - \$ 20.00.

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 – REFUND OF BID SECURITY

Upon recommendation of the Town Clerk, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 97 OF 2003)

WHEREAS, the Town Clerk has received written confirmation from the Parks and Recreation Director and the Highway Superintendent that the Donovan Memorial Park Playground Equipment project and the Sanger Public Works Garage Re-roofing project, respectively, have been completed in accordance with Town specifications;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release the Bid Security Deposit from the Trust and Agency Account to the following bidder for the project noted:

Donovan Memorial Park Playground Equipment

- Marturano Recreation (successful bidder) - \$1,738.00

and does further authorize and direct the Town Clerk to release the Bid Bonds submitted as Bid Security Deposits to the following bidders for the projects noted:

Donovan Memorial Park Playground Equipment

- Miracle Recreation Equipment Company (unsuccessful bidder)

Sanger Public Works Garage Re-roofing

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- Pulver Roofing Co., Inc. (successful bidder)
- Deluxe Roofing & Sheet Metal Corp. (unsuccessful bidder)

Reconstruction of Bleachery Avenue Bridge

- Slate Hill Constructors, Inc. (unsuccessful bidder)
- Tioga Construction Company, Inc. (unsuccessful bidder)
- CCI Companies, Inc. (unsuccessful bidder)

Sidewalk Construction

- J.A.M. Enterprise (unsuccessful bidder)
- Murphy Excavating Corporation (unsuccessful bidder).

The foregoing 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.

Oneida County Association of Towns Meeting

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

(RESOLUTION NO. 98 OF 2002)

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to any Department Head to attend the Oneida County Association of Towns Meeting on March 18, 2003 in New York Mills, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Willowvale Fire Company new firehouse – TEFRA Hearing

Having been in contact with Attorney Thomas Myers of ORRICK, HERRINGTON & SUTCLIFFE, Bond Counsel for the Town, the Town Clerk had previously furnished a copy of the Resolution prepared by Bond Counsel to schedule a Public Hearing in the matter of issuing a \$1,000,000 tax-exempt obligation for the Willowvale Fire Company, Inc. to construct a new firehouse. Because the Town Board held some of their 2003 Board meetings in Butler Memorial Hall and some in the Kellogg Road Community Center Building, the Town Clerk advised that a decision needs to be made about future Board meetings; the location of the meeting needs to be inserted in the Resolution and Notice of Public Hearing.

Amendment to Rules of Procedure – Location of Town Board Meetings

After some discussion, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 99 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby amend Resolution No. 1 of 2003, adopted January 2, 2003, and specifically relating to the Rules of Procedure, scheduled “A”, regular meetings; effective immediately, regular meetings of the Town of New Hartford Town Board shall be held in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, New Hartford, New York at 7:00 P.M.

The foregoing Resolution was voted upon by roll call as follows:

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

The Resolution was declared carried and duly adopted.

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Schedule Public Hearing - \$1 million tax-exempt obligation/Willowvale Fire Co.

The following Resolution was offered by Councilman Backman, who moved its adoption, seconded by Councilman Waszkiewicz, to-wit:

(RESOLUTION NO. 100 OF 2003)

RESOLUTION DATED MARCH 5, 2003.

A RESOLUTION CALLING A PUBLIC HEARING ON THE ISSUANCE OF A \$1,000,000 TAX-EXEMPT OBLIGATION OF THE WILLOWVALE FIRE COMPANY, INC., IN THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF A NEW FIREHOUSE INCLUDING ORIGINAL MACHINERY, APPARATUS AND EQUIPMENT NECESSARY IN CONNECTION THEREWITH.

WHEREAS, the Willowvale Fire Company, Inc. (the “Company”), a not-for-profit volunteer fire company serving all or a portion of the Town of New Hartford, Oneida County, New York has determined to proceed with the issuance of up to \$1,000,000 in obligations of said not-for-profit corporation (the “Obligation”) to finance the cost of the construction of a new firehouse including original machinery, apparatus and equipment necessary in connection therewith, said firehouse to be located at 3459 Oneida Street, in said Town; and

WHEREAS, the obligation will be a “volunteer fire department” bond within the meaning of Section 150(e) of the Internal Revenue Code of 1986 (the “Code”) and a “private activity” bond within the meaning of Section 141 of the Code; and

WHEREAS, Section 147(f) of the Code requires that bonds which are “private activity” bonds be approved by the governmental until issuing such bonds, or responsible for overseeing the issuance of such bonds by volunteer fire departments, after a public hearing following reasonable public notice, in order for interest on the bonds to be excludable from gross income for federal income tax purposes; and

WHEREAS, the issuance of the Obligation by the Company does not constitute an obligation of the Town of New Hartford; and

WHEREAS, the Town Board of the Town of New Hartford now desires to call a public hearing on the issuance of said Obligation; **NOW, THEREFORE**,

BE IT RESOLVED, by the Town Board of the Town of New Hartford, Oneida County, New York, as follows:

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Section 1. A public hearing will be held at Butler Memorial Hall in New Hartford, New York, in Oneida County on April 2, 2003, at 8:00 P.M., Prevailing Time, on the question of whether the Obligation should be issued by the Willowvale Fire Company, Inc., to finance the cost of the construction of a new firehouse including original machinery, apparatus and equipment necessary in connection therewith, said firehouse to be located at 3459 Oneida Street, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as it required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of Notice of Public Hearing hereinafter provided to be published once in The Observer Dispatch, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town, such publication to be made not less than 14 days before the date designated for the hearing. The Town Clerk is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than 14 days before the date designated for the hearing.

Section 3. The Notice of Public Hearing shall be in substantially the form attached:

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to 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.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Sherrillbrook Park cross-country ski trails

Councilman Backman received two phone calls from ladies about the conditions of the cross-country ski trails in Sherrillbrook Park. They say that it's become rutty because of

snowmobiles and four wheelers. They're looking for financial help from Town to help repair these trails.

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Motor Pool Committee - Vehicle maintenance

The Motor Pool vehicle maintenance is going very well but Councilman Backman suggested that bids be solicited for routine oil changes, inspections, tire pressure, etc. for all Town vehicles; he believed this would be cheaper than having the Highway Mechanics perform the work, considering their hourly wage. Supervisor Humphreys and Councilman Backman will contact vendors to determine their interest in bidding.

Town Website

Councilman Backman has talked with a representative from the State Comptroller's office and they do not think we're getting as many benefits as we should be getting in regards to our Website setup.

COUNCILMAN WASZKIEWICZ:

Police/Court facilities location

The matter was tabled until the March 19, 2003 Town Board meeting.

Town Website

Janice O'Sullivan, Account Clerk, has contacted Councilman Waszkiewicz regarding the Town's Website. There are several sections of the website that cannot be updated and can only be updated through John Tierney, Syracuse, with whom the Town has previously contracted.

Single Family development – storm water resolution

Councilman Waszkiewicz has received information from Highway Superintendent regarding the single-family development storm water resolution; he will review same with Attorney Rossi.

Co-Op Alliance for Services

- Phone service - *Cingular* will be submitting a proposal for the Town and will approach Oneida County as well; Councilman Waszkiewicz hopes to have this ready for the March 19, 2003 Town Board meeting.
- Gas and Electric service – Councilman Waszkiewicz has attended two (2) meetings and it will be a minimum of six (6) months before Oneida County has the facts to obtain quotes on gas and electric facilities. Municipalities have the right to receive quotes; the Public Works Committee will work on this.

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- Village of New York Mills – Councilman Waszkiewicz will meet with Mayor Maciol on March 7, 2003 regarding service agreements.

Upper Mohawk Valley Regional Water Board – Prior Notice of Projects

Having reviewed Councilman Waszkiewicz’s draft letter to the Upper Mohawk Valley Regional Water Board requesting prior notification of their projects in the Town, the Town Board gave its consent for Councilman Waszkiewicz to mail this letter to said agency.

4-Lane Highway Improvement – NYS Route 12

There has been a \$5 million contribution for road enhancements on NYS Route 12. Requests for Proposals for Phase 2 of the study have gone out and Councilman Waszkiewicz will update the Board in April 2003.

EDGE

Supervisor Humphreys and Councilman Waszkiewicz have met with the EDGE Board members. The bottom line is that there is a consensus that they would approach the railroad and have the easement charges negotiated away if PILOTS were going to continue.

NYS Route 5-8-12 Overpass

Councilman Waszkiewicz will meet with businesses to see if they would support this connection; the residents seem to support it and he will report with an update once he meets with the businesses and the Village of New Hartford regarding this proposal.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 101 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. 7	\$ 79,427.92
General Fund, Part-Town Abstract No. 7	\$ 100.00
General Fund, Part-Town Abstract No. 8	\$ 29,998.79
Highway Fund, Part-Town Abstract No. 6	\$ 51,104.86
Sewer Fund Abstract No. 5	\$ 4,486.88

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Stormwater Drainage Abstract No. 5	\$ 3.64
Butler Memorial Hall Renovations Abstract No. 3	\$ <u>559.25</u>
TOTAL:	\$165,681.34

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.

2003 Budgetary Transfer

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

(RESOLUTION NO. 102 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Bookkeeper to transfer the sum of Fourteen Hundred Dollars (\$1400) from General Fund Whole-Town Account A1110.4 (Court contractual) to General Fund Whole-Town Account A1110.02 (Court Equipment) for the purchase of computer hardware for Town Court.

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 Supervisor declared the Resolution unanimously carried and duly adopted.

“Police Taxing District”

Supervisor Humphreys has contacted NYS Assemblyman David Townsend for his assistance in presenting a Bill before the New York State Legislature that would enable the Town to establish a “Police Taxing District”; the purpose of the district would be to raise funds to pay for police protection for the Town and Village of New Hartford, excluding the Village of New York Mills that has their own police force.

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2003 Fire Protection Contract/Village of New York Mills and Fire Department

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

(RESOLUTION NO. 103 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 Contract commencing January 1, 2003 and ending December 31, 2003 between the Town of New Hartford and Fire Protection District 5, Village of New York Mills and New York Mills Fire Department, in the amount of Fifty Two Thousand Seven Hundred Ninety Dollars (\$52,790).

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

Collateral Source Bill; S.622/A.3483

The Town Board's consensus was to have the Town Supervisor forward a letter to Barry Schwartz, Law Department, Office of Corporation Counsel, New York, NY, in support of Senate Bill 622/Assembly Bill 3483 that, if adopted by the State Legislature, would amend Section 4545 of the Civil Practice Laws and Rules statute. The proposed amendment to this rule would afford public employers the same treatment under the law as private parties by allowing the public employer to credit, against the proceeds of a plaintiff's award of damages, the past and prospective payments to that plaintiff from a collateral source, such as disability pensions, insurance and so forth, thereby eliminating double recovery for the same loss.

Agreement - Photocopier Maintenance

The maintenance agreement for photocopier service having expired, Supervisor Humphreys has solicited proposals from several businesses; Arlott Office Product quoted \$6200 while another company quoted about half that amount. Councilman Backman will work with the Supervisor on this matter; some Board members believed "...you get what you pay for.." and to weigh all proposals.

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Surplus Vehicles

Supervisor Humphreys inquired about the number of surplus vehicles are stored at the Sanger Public Works Garage. The Highway Superintendent answered there were only a couple automobiles and one in particular is probably scrap iron. Highway Superintendent Cleveland will submit a list by the March 19, 2003 Town Board meeting.

EXECUTIVE SESSION

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

(RESOLUTION NO. 104 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the possible acquisition of real estate.

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 10:30 P.M. Attorney for the Town, Vincent Rossi, Jr., remained.

(NOTE: THE FOLLOWING TRANSCRIPT WAS PROVIDED BY SUPERVISOR HUMPHREYS ON THURSDAY, MARCH 6, 2003 AT 11 A.M.)

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 105 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

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Woodland and seconded by Councilman Butler, the meeting was adjourned at 11:02 P.M.

Respectfully Submitted,

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

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