

**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 19, 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 7:32 P.M.)
Highway Superintendent Roger A. Cleveland
Telecommunicator Supervisor Jeffrey Madden
Town Clerk Gail Wolanin Young and Deputy Town
Clerk I Margaret M. Jones

OTHERS: Attorney for the Town, Vincent Rossi, Jr

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

MINUTES

December 14, 2002 Special 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. 106 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 14, 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

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

December 18, 2002 Regular Meeting

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

(RESOLUTION NO. 107 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 18, 2002** and does further waive the reading of the same.

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.

February 5, 2003 Regular Meeting

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

(RESOLUTION NO. 108 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 5, 2003** and does further waive the reading of the same.

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.

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The Resolution was declared unanimously carried and duly adopted.

March 5, 2003 Regular Meeting

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

(RESOLUTION NO. 109 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 **March 5, 2003** 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.

PUBLIC PRESENTATIONS

ZONING/CODES VIOLATION:

Kenneth Kostolecki, 44 Clinton Road and James Roselli, 7 Geraldine Ave., New Hartford sought the Town Board's assistance in enforcing Codes rules in their neighborhood, specifically at the ***Albert Roberts property, 43-45 Clinton Road***. Allegedly, the ***Roberts'*** property still has violations that continue despite complaints to the Codes Enforcement Office and subsequently, an appearance ticket having been issued to Mr. Roberts who appeared in Town Court. Mr. Kostolecki stated that the charge was adjudicated, that the Town Justice presiding over the case allowed Mr. Roberts to keep only a pay loader on the property; however, violations still exist with items such as:

- a dismantled ten foot (10') wide plow
- dismantled construction bucket
- unregistered dilapidated station wagon
- tires, culvert pipe, packages of conduit pipe, bales of hay, assorted roof bands and reams of fences

The Town Supervisor responded that the matter would be reviewed with Attorney Rossi when re joins the meeting at 8:00 P.M. Councilman Donald Backman explained that the

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Court is a power of higher authority.

(OLD) PARIS ROAD SEWERS:

Councilman Butler provided an overview on this matter, a possible extension of Paris Road sewers to serve about ten (10) properties. Six (6) property owners have signed a Petition and three (3) property owners did not sign the Petition. Councilman Butler reiterated there is an projected 75/25% (Town/Residents) figure for cost sharing. If this matter ends up in the affirmative, the Consolidated Sewer District cost over twenty (20) years would be less than Thirty Dollars (\$30) a year, according to Councilman Butler.

Tom Fiorentino, 197 Paris Road, submitted a Petition for extension of sewers along (Old) Paris Road, referenced above.

Dean Gordon, 204 Paris Road, believed if the Town Board establishes a policy in the future, the Town should be fair, forget financing methods of pre-consolidated districts, and have the Consolidated Sewer District pay the entire cost. Mr. Gordon, who hadn't signed the Petition, said he hadn't even seen the petition before tonight.

Acknowledging that some residents are for and some against this needed project, Councilman Woodland believes the Town Board should investigate this further before making a decision. Town Supervisor Humphreys explained that this matter is subject to permissive referendum and that the residents would have thirty (30) days to submit a petition to bring the matter to a vote. Not pleased with the 75%/25% cost sharing, Councilman Backman reserved a decision until the percentage of property assessment signatories could be determined; law requires that the signatories represent at least fifty-one percent (51%) of assessed value of the district extension. Councilman Waszkiewicz concurred with tabling the matter, and because Councilman Butler will be out of Town for the April 2, 2003 Town Board meeting, the matter will be placed on the Agenda for the April 16, 2003 Town Board meeting.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

2003 Budgetary Transfer - Purchase of Dump Box

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

(RESOLUTION NO. 110 OF 2003)

WHEREAS at the February 19, 2003, Town Board Meeting, the members of the Town Board authorized the Highway Superintendent Roger Cleveland to send a "Letter Of Intent" to purchase a dump box to Utica Mack, Inc., 9426 River Road, Marcy, New York,

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in the amount of Nine Thousand Eight Hundred Sixty-Two Dollars and Eighty-Four Cents (\$9,862.84); and

WHEREAS the Highway Superintendent was directed to identify the account numbers from which the equipment would be purchased;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize and direct the Bookkeeper to transfer funds to cover the cost of the dump box, as follows:

From:

<u>Account No.</u>	<u>Amount</u>
DB5110.41	\$ 500.00
DB5110.42	2,600.00
DB5110.43	1,700.00
DB5110.46	800.00
DB5110.47	1,100.00
DB5110.49	1,100.00
DB5130.44	<u>\$2,062.84</u>
Total	\$9,862.84

To: DB5130.2 **\$9,862.84.**

The Resolution was subject to a vote 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.

Retirement of Paul Lewis

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

(RESOLUTION NO. 111 OF 2003)

RESOLVED that, in accordance with the Town Employee Handbook, the New Hartford Town Board does hereby recognize Paul Lewis' retirement from the Highway Department, effective April 1, 2003; and be it

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FURTHER RESOLVED that the New Hartford Town Board does hereby authorize that a letter of appreciation be forwarded to Mr. Lewis for his many years of service with the Town.

The Supervisor polled the Town Board Members who 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.

Sessions Road Realignment

The Highway Superintendent had talked with MVCC who can do the design this year for Sessions Road, but the actual reconstruction wouldn't commence until the Summer of 2004; this is free engineering service through the college..

Hourly Wage Increase – Temporary, Part-time Help

Reconsidering the Highway Superintendent's March 5, 2003 request for a pay increase for Ava Massoud and Catherine Khoury, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 112 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize, effective March 10, 2003, an increase in the hourly wage of Part-time Clerk Ava Massoud and Part-time Student Worker Catherine Khoury to Seven Dollars and Seventy-Five Cents (\$7.75), payable bi-weekly.

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 Resolution was declared unanimously carried and duly adopted.

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Dig Safely New York

Councilman Backman couldn't find an ASCII machine, which is a type of e-mail service for FAX transmissions. If anyone knows anything about this type of machine and where it can be purchased, please let the Councilman know.

Surplus vehicles

The Town Supervisor inquired about the number of surplus vehicles stored at the Sanger Public Works Garage; the Highway Superintendent will furnish a list for the April 2, 2003 Town Board.

Purchase of Computer hardware and software

The Highway Superintendent has yet to hear from ESI on costs; however, he does have quotes from DELL and SDG. The Highway Superintendent requested permission to have the Supervisor sign a Contract if, before the April 2nd meeting, ESI or others bidders are not lower than the State contract price. Based upon his background and knowledge of special computer applications, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 113 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the purchase of computer software and DELL computer hardware from Systems Development Group, Inc. (SDG) for a lump sum contractual amount of Forty Thousand Dollars (\$40,000), equal to the State Contract price; and be it

FURTHER RESOLVED that said software and hardware is being purchased for the use of all departments located in the Sanger Public Works Garage facility.

The Supervisor polled the Town Board Members who voted as follows:

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

The Resolution was declared carried and duly adopted.

2003 Agreement – Bituminous Concrete Paving

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

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(RESOLUTION NO. 114 OF 2003)

WHEREAS, on March 5, 2003 the Town Board adopted, Resolution No. 94 authorizing the Town Supervisor to enter into and to execute an agreement with Ocuto Blacktop Paving wherein said Ocuto Blacktop would extend their 2002 unit bid prices for Bituminous Concrete Paving through the calendar year 2003;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby rescind Resolution No. 94 of 2003, effective immediately.

The Resolution was subject to a vote 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.

ASSESSOR:

Annual Re-assessment update

The prevailing number town-wide was ninety-three percent (93%) equalization rate as per the Town Assessor Paul Smith. Councilman Waszkiewicz has scheduled a public information meeting March 25, 2003 and Councilman Butler on March 26, 2003 on re-assessment programs. State representatives will also be attending these meetings. The Assessor has been through the residential neighborhoods and will have informal hearings before the assessment roll is filed. One neighborhood is within the State's parameters; all others did NOT meet State parameters. Councilman Waszkiewicz concurred that the Board would invite School Board members to attend these meetings.

Assessment Grievance – Certiorari / New Hartford Shopping Center

The Town Assessor presented a copy of the Stipulation in the instant matter. On the trial date, March 6, 2003, the New Hartford Shopping Center accepted the Town's offer to settle their grievance by reducing the shopping center's assessment from the current \$12.2 million to Seven Million Dollars (\$7,000,000) for fiscal year 2004 based upon the AMES storefront being vacant and the shopping center owners will forgo the **lawsuit**. Further, the assessment shall not change unless there is an addition/demolition of more than one thousand (1,000) square feet. The Town Assessor stated that the Town, under the statute, also has the right to challenge the agreed-upon value if the occupancy rate at the property changes more than twenty-five percent (25%). Upon recommendation of

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Assessor Smith, Councilman Waszkiewicz presented the following Resolution, for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 115 OF 2003)

RESOLVED that the New Hartford Town Board does hereby agree to settle the Certiorari proceeding brought against the Town of New Hartford. Under the terms of the settlement, William C. Morris, II and Robert O. Morris, as Trustee, will discontinue the 2002 tax certiorari proceeding against the Town and school district – with no cash refunds – in return for a Seven Million Dollar (\$7,000,000) assessed value for the property on the 2003, 2004 and 2005 assessment rolls barring any significant changes to the property, pursuant to Court order.

The Supervisor polled the Town Board Members who 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.

POLICE CHIEF:

Agreement – Cat Shelter Service

Police Chief Raymond Philo presented a re-drafted Cat Shelter Service Agreement in which a “gap” was closed; specifically, the provision that the Town pay for surgical fees has been removed. Thereafter, upon recommendation of the Police Chief, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 116 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Cat Sheltering Agreement with the Paris Hill Cat Hospital, effective January 1, 2003 through December 31, 2004.

The Supervisor polled the Town Board Members who voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Resolution was declared unanimously carried and duly adopted.

Jerome K. Madden Justice Building (Police/Court facilities location)

According to the Police Chief, Codes Enforcement Officer Gerald Back and Clark Patterson Associates stated that it is not practical for the Town to look at Code issues regarding the Jerome K. Madden Justice Building. On March 20, 2003, at 3:00 P.M. in the Police Conference Room, Clark Patterson Associates of Rochester will have a preliminary meeting regarding what the process would be if the Town does decide to expand the Justice Building by adding a second story.

Unclaimed Property

The Police Chief explained that, under the Personal Property Law, the value of a particular unclaimed item determines the length of time that an unclaimed item is retained; and that the maximum time is three (3) years. There was further discussion regarding the recycling of unclaimed bicycles for the needy.

Motor Pool Committee - Labeling Of Vehicles

Discussion ensued about identifying police and park vehicles by striping, numbering, etc., by an outside firm rather than utilizing Highway Department employees. Councilman Backman stated that Valley Signs will do standard police car markings for One Hundred Twenty Dollars (\$120) this time only and de-stripe old police vehicles for between Forty-Five and Ninety Dollars (\$45-\$90). Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 117 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize Valley Signs, 1960 Route 8, Clayville, New York, to stripe one (1) new police car at the one-time only cost not to exceed One Hundred Twenty Dollars (\$120); and be it

FURTHER RESOLVED that said Town Board does hereby authorize Valley Signs to de-stripe one (1) of the old police vehicles at a cost not to exceed Ninety Dollars (\$90).

The Supervisor polled the Town Board Members who voted as follows:

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

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

TELECOMMUNICATOR SUPERVISOR:

Agreements – Dispatch Service

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

(RESOLUTION NO. 118 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Agreements wherein the Town of New Hartford will provide Dispatch Service to the Villages of:

- Whitesboro for the period January 1, 2003 through December 31, 2003
- New York Mills for the period June 1, 2003 through May 31, 2004
- Yorkville for the period June 1, 2003 through May 31, 2004.

The Resolution was subject to a vote 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.

CAD/RMS System

Pursuant to Telecommunicator Supervisor Madden, the Town Board had received a letter from Attorney Rossi suggesting that vendors be invited to demonstrate their computer software. Telecommunicator Supervisor Madden stated invited seven (7) companies but one company stated that New Hartford's dispatch center was too small for them to quote.

PARKS AND RECREATION DIRECTOR:

Purchase of Riding Lawnmower with Trade-in of 1978 Ford Tractor and 1986 Jacobson Mower

Councilman Waszkiewicz presented the following Resolution for adoption; seconded by

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Councilman Butler.

(RESOLUTION NO. 119 OF 2003)

WHEREAS, the Parks and Recreation Director did, on the 19th day of March, 2003, duly recommend the purchase of certain equipment on State Contract;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Parks and Recreation Director to purchase on New York State Group #37000, Award #02018, one (1) Model 83225K Ferris Riding Lawnmower from Clinton Tractor & Implement Company, Meadow Street, Clinton, New York, for a maximum aggregate price of Six Thousand One Hundred Sixty-nine Dollars (\$6,169) delivered at the Sherrillbrook Park, Route 12, New Hartford, New York, by April 1, 2003. The Parks and Recreation Director is authorized to surrender to said Clinton Tractor & Implement the following equipment at an agreed trade-in value of Five Thousand Five Hundred Dollars (\$5,500):

- One (1) 1978 Ford Tractor, Model 531
- One (1) 1996 Jacobson Mower, Model T423D

Upon execution of a contract for the item purchased and upon delivery of the item purchased, the Town Supervisor shall pay the amount of Six Hundred Sixty-nine Dollars (\$669) from budgetary appropriations for purchase of equipment.

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.

Appointments – Seasonal, Part-time Employees

Upon recommendation of the Parks and Recreation Director, Councilman Backman introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 120 OF 2003)

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RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following people as part-time, seasonal employees for the Parks and Recreation Department effective April 1, 2003:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
<i>Eric Cusworth</i>	<i>Crew Supervisor</i>	<i>\$8.00 per hour</i>
<i>Edward Bowes</i>	<i>Laborer (Green Thumb)</i>	<i>\$7.75 per hour</i>
<i>Robert Thorton</i>	<i>Laborer (Green Thumb)</i>	<i>\$7.75 per hour</i>

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

TOWN CLERK:

Use of Voting Machine

The Town Clerk presented the request of the Village of New Hartford for use of a Town voting machine for their Village election. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 121 OF 2003)

WHEREAS, the Village of New Hartford on March 11, 2003 requested the use of one (1) Town voting machine for their Village Election;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby retroactively grant the Village of New Hartford the use of one (1) Town voting machine for their Village Election conducted on Tuesday, March 18, 2003, said voting machine to be transported and set up by the Town Voting Machine Custodian at no cost to the Town of New Hartford.

The Board members voted upon roll call, as follows:

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

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Supervisor Humphreys - Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Subdivision Regulations – % of Recreation Area (Green Space)

Councilman Waszkiewicz would like to make the percentage of recreation/green space uniform throughout Town documents; the Councilman would like the Town to solidify this Policy.

Town Website

John Tierney, consultant from Syracuse, must be contacted to change the economic development page and quality-of-life page on the Town's Website; the Town can't do it themselves. Councilman Waszkiewicz noted that some information is outdated; discussion ensued about deleting the economic development page and perhaps consider changes to the quality of life page, reflecting what the area has to offer.

Single Family Development – Storm Water Resolution

Councilman Waszkiewicz stated there is no Resolution – the storm water regulations are contained in the Town's Code Book. Attorney Rossi and Councilman Waszkiewicz will review the appropriate section of Codes with the Highway Superintendent.

Co-Op Service Agreements – Cingular cell phone operation

This project is on hold as the representative's father had recently passed away.

Update on Clinton Street, New York Mills cul-de-sac

Councilman Waszkiewicz has met with the New York Mills but nothing has transpired since the meeting. The New York Mills Mayor was interested in exploring the possibility of the cul-de-sac on Clinton Street being annexed to the Village of New York Mills. Councilman Waszkiewicz has also met with Dennis Davis of County Department of Public Works and Highway Superintendent Cleveland.

Co-Op Service Agreements – Village of New York Mills

New York Mills Village Mayor Maciol expressed his interest in looking into cellular phone service, which the Town is investigating as well as dovetailing on a competitive bid on natural power and electricity.

Co-Op Service Agreements – Village of New Hartford

This is the same matter as is being discussed with the Village of New York Mills.

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Upper Mohawk Valley Regional Water Board (UMVRWB) Time line – Southern Reservoir and Cascade Drive/Fencing and Signage

Councilman Waszkiewicz stated that he is looking at mid-April 2003 as a time when the UMVRWB might finalize review with their consultant who looked at the emergency protection of the water facilities in the area.

Agreement - Independent Grant writer

Councilman Waszkiewicz would like to see if the Town could contract with Connie Miner to work with the Town Planner on grants. The consensus of the Board Members is that Ms. Miner work with the Town Planner (but not come down from Rochester), identify what grants are available, after which the Board would review what would be advantageous and write the application. Councilman Waszkiewicz will contact Connie Miner about potential grants and her potential charges for writing the grant applications and instructing an in-house person on writing grants.

COUNCILMAN BACKMAN:

Willowvale Fire Co., Inc.

Councilman Backman met with the Willowvale Fire Company, explaining the Notice of Appeal (variance) process since they would need to obtain variances from the Zoning Board of Appeals and the Planning Board before construction could begin on their new firehouse. Councilman Backman presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 122 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby waive the application fees for the Willowvale Fire Company, Inc. when they appear before the Zoning Board of Appeal and the Planning Board for a variance on the Oneida Street, Chadwicks property on which they plan to erect a new firehouse.

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.

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Public Parking - Donovan Community Center Building, Elm Street

Councilman Backman was approached by Jerry Crouse who explained that his Elm Street, Chadwicks tenants sometimes have overflow parking and inquired if some tenants could park their vehicles at the Donovan Community Center parking lot on a regular/irregular basis; Mr. Crouse is willing to reimburse the Town a nominal fee for this privilege. The Town Board discussed the matter, and asked Police Chief Philo about enforcement. The Police Chief was unaware of any tickets being issued for illegal parking at the Center. Based upon the recommendation of the Vincent J. Rossi, Jr., Attorney for the Town, the Board's consensus was not to allow the tenants to park at the Center.

COUNCILMAN WOODLAND:

Zoning/Codes Violation – Albert Roberts' Property (Cont'd from Page 1)

Responding to Councilman Woodland's inquiry, Attorney Rossi stated that the commercial vehicle was stored in violation of codes and that the Codes Enforcement Officer had stated that Mr. Roberts had cleaned up the property. Mr. Roberts had been cited and when he didn't appear in Town Court for the first citation, the police brought him to Court. After the property had allegedly been cleaned up, a day or two later neighbors called the Codes Enforcement Officer stating some pipe hadn't been removed and asked that Mr. Roberts' attorney be contacted to get the junk removed. Attorney Rossi will call Mr. Roberts' attorney on this matter.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 123 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. 8	\$ 80.00
General Fund, Whole-Town Abstract No. 9	\$ 89,296.43
General Fund, Whole-Town Abstract No. 10	\$ 55.00
General Fund, Part-Town Abstract No. 9	\$ 4,896.21
General Fund, Part-Town Abstract No. 10	\$ 22.00
Highway Fund, Part-Town Abstract No. 7	\$ 30,017.92
Street Light Abstract No. 5	\$ 7,453.28
Fire District Abstract No. 1	\$382,510.00

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Mayor Reynolds' service. Since the consensus of the Board Members is that the Town should make a presentation to the Mayor, Councilman Butler will look into getting an appropriate gift for presentation.

Newly Elected Mayors for the Villages

The Town Supervisor will send congratulatory letters to the newly elected Mayors for the Villages of New Hartford, New York Mills and Yorkville.

Fire District Number 1 and 2 – Clark Mills Fire Dept.

The Town Supervisor reported that the Clark Mills Fire Department is covering a small area of the Millgate Meadows Mobile Home Community in New Hartford Fire District Number 1, while the New Hartford Fire Department receives the tax levy money. Clark Mills Fire Department feels that they should receive compensation. Councilman Butler will consult with New Hartford Fire Chief David Reynolds about the matter.

Lease – New Hartford Adult Dining & Activity Center

Town Supervisor Humphreys acknowledged a letter from St. John the Evangelist Church Trustee John Grygiel regarding a deficit the Church is experiencing with the community building; the Town Supervisor will consult with Trustee Grygiel as the Town leases space for the Adult Dining & Activity Center.

Revision Application - Oneida-Herkimer Counties Empire Zone (Formerly EDZ)

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

(RESOLUTION NO. 125 OF 2003)

**RESOLUTION OF SUPPORT AND CONCURRENCE
**WITH THE ONEIDA HERKIMER COUNTIES EMPIRE ZONE
(FORMERLY ECONOMIC DEVELOPMENT ZONE)
REVISION APPLICATION****

WHEREAS, New York State has created the Economic Development Zone program to encourage industrial and commercial development in selected municipalities across the State; and

WHEREAS, Oneida County, as an eligible municipality, received designation of an Economic Development Zone on June 3, 1998 made up of sub-zones including portions of the Town and Village of Frankfort, Village of Ilion, Town of Whitestown, Town of New Hartford, City of Rome; and

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WHEREAS, Oneida County subsequently revised and amended the original Economic Development Zone sub-zone boundaries (now referred to as Empire Zones) on August 22, 2002; and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional sub-zones; and

WHEREAS, Oneida County intends to revise the Empire Zones boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone in the *Town of New Hartford*; and

WHEREAS, the *Town of New Hartford* is committed to the development of new business within the proposed sub-zone; and

WHEREAS, the *Town of New Hartford* wishes to support and concur with the Empire Zone revision application;

NOW, THEREFORE, BE IT RESOLVED if the land designated in the *Town of New Hartford* as a sub-zone is not developed or does not have a legitimate development plan within nine (9) months of said designation, the *Town of New Hartford* acknowledges it will relinquish the designation of Empire Zone, for said land, back to the Oneida Herkimer Counties Empire Zone's land bank for future development; and

NOW, THEREFORE, BE IT RESOLVED that the *Town of New Hartford* Board, in its capacity as governing body of the *Town*, does hereby support and concur with the Oneida Herkimer Counties Empire Zone revision application.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

School Traffic Officers (Crossing Guards)

Town Supervisor Ralph Humphreys had presented information to Attorney Kevin Crawford of the State Association of Towns on the Town's take-over of the Village Police Department in 1985, including the existing school traffic officers. After

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reviewing documents and Town Law, Attorney Crawford responded, in concurrence that a Town is not permitted to pay the wages of School Traffic Officers in a village. After discussion, the Town Board concurred that Attorney Rossi put the Village of New Hartford on notice because the Village is planning their budget and the Town may be precluded from funding these positions; further, that Attorney Rossi contact the State Attorney General for a second opinion.

Service Agreement – Copiers

The Town Supervisor has received quotes on photocopier maintenance for Town machines. Upon recommendation of the Town Supervisor, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 126 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 a Contract with Arlott Office Products, Inc., 820 Charlotte Street, Utica, New York, who would provide the Town with maintenance of their photocopy machines at \$.125 per copy, including all supplies (toner, drums, etc.) but excluding photocopy paper.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

EXECUTIVE SESSION

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

(RESOLUTION NO. 127 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 and discuss union negotiations.

A roll call vote ensued:

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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 11:08 P.M. Attorney for the Town, Vincent Rossi, Jr., remained.

(NOTE: SUPERVISOR HUMPHREYS PROVIDED THE FOLLOWING TRANSCRIPT ON THURSDAY, MARCH 20, 2003.)

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 128 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 11:46 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 Waszkiewicz and seconded by Councilman Woodland, the meeting was adjourned at 11:47 P.M.

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Respectfully Submitted,

Margaret M. Jones
Deputy Town Clerk I

Gail Wolanin Young, CMC/RMC
Town Clerk