

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE RALPH PERRY JUNIOR HIGH SCHOOL, WESTON ROAD,
NEW HARTFORD, ON WEDNESDAY, MAY 7, 2003 AT 7:06 P.M.**

In the absence of the Town Supervisor who was recuperating from surgery, Deputy Town Supervisor/Councilman Backman called the meeting to order at 7:06 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.

ABSENT: Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Assessor Paul Smith
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael W. Jeffery
Planner Kurt Schwenzfeier
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC
and Deputy Town Clerk II Nancy E. Kneller

OTHERS: Attorney for the Town, Vincent Rossi, Jr

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

PUBLIC PRESENTATIONS

REAL PROPERTY RE-ASSESSMENTS

George Koury, 107 Briarwood Court, New Hartford, was present about the assessment article in the Observer Dispatch and he questioned if taxes go down based on property re-assessment, what about county taxes? Having been quoted in the newspaper article, Councilman Backman clarified that he didn't say the tax rate would fall and he can't speak for Oneida County or the school board about the taxes these entities levy, but the responsibility of assessment is left to towns and the Town of New Hartford does the job charged to it through the Real Property Tax Law. Councilman Backman did say the re-assessment program "...is not about taxes, it's about fair assessments" and "...I stand by that. We aren't singling out parcels and watching taxes. Re-assessments are being done town-wide in accordance with state regulations and current market value, which is always debatable" ... sales based in a neighborhood ... the process isn't perfect." Property owners have been and continue to be afforded the opportunity to review changes (Maxwell Appraisals), and errors were corrected. The Town receives revenue from sales tax and other revenue from Oneida County and New York State and provides services of

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 2

government that people expect and enjoy. Councilman Backman stressed that the Town wants fair assessment at market value, arms length sales. If the Town's levy comes up \$110 million in value, the Town tax rate – barring no changes – will drop from \$2.05; however, he noted that Town expenses do increase (salaries, equipment, etc.). He apprised Mr. Koury that one (1) of his two (2) properties' assessments increased by Thirty Percent (30%). Regarding the County tax rate, the Town Board talked with County officials last year, asking why the Town of New Hartford was singled out with a Sixteen Percent (16%) increase in the County tax rate – and the Town will fight for a lower County tax rate in the Fall of 2003 for the 2004 budget. Concerning the number of property owners who contested their assessments and how many reduced, Councilman Backman said those figures were available in the Assessor's Office, but not at this meeting; he stated that property owners can file a grievance and that Grievance Day is Tuesday, May 27, 2003. Councilman Backman informed the public that the Town is in year three (3) of a 6-year program; and he and Councilman Waszkiewicz, members of the Assessor Committee, explained the program. Councilman Butler will visit Mr. Koury and will review a letter with him from the NYS Office of Real Property Services.

New Hartford Village Mayor Donald Ryan urged the Town Board to "...take a look at the reassessing they're doing" ... the Town Board has the right to make the change if they want to – the State has enacted the assessment program but the Town Board has the right to take certain action. Councilman Backman acknowledged that the Town can opt out but the Town must do **FAIR** assessments. Mayor Ryan claimed that Maxwell Appraisers made property owners pick up papers and didn't give them any options. Councilman Backman stated that the Town Board is looking at changing the process for next year and the matter will be discussed.

N. Joseph Yagey, 8 Foxcroft Road, New Hartford noted that the tax rates haven't gone down. Councilman Backman responded that the Town tax rate has – in the last administration – increased *and then decreased*. The budget and tax rate depends on sales tax and it's difficult to anticipate an accurate amount of revenue – the Town doesn't want to have to borrow money. The Town can't control what the school and county do to set their tax rates.

(OLD) PARIS ROAD SEWER EXTENSION:

Tom Fiorentino, 197 Paris Road, New Hartford was present regarding sewers for a section of (Old) Paris Road. Councilman Butler stated this matter had been adjourned from another meeting, awaiting figures on percentages of shared fiscal responsibility. Councilman Waszkiewicz had submitted his proposal to the Highway Superintendent but not the Town Board and he hasn't met with the Highway Superintendent since that time; Councilman Waszkiewicz had formulated a way to address sewer extensions not only on Paris Road but the Town in general and stated he couldn't support either of the sewer proposals previously submitted. Board members reviewed the cost of construction for the Clinton Street sewer extension in 2001; while the cost came in below the \$120,000

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 3

projection, the mitigation amount was reduced – so the property owners had a higher rate. Councilman Butler polled each Councilman for their support in percentage (%) and why. Councilman Backman explained that mitigation fees are funds from developers and businesses who improved infrastructure – (ex: rather than putting entire expense on taxpayers for Clinton Street sewer); he said that no other property owners in the Town had been asked to pay for the improvements other than the parcels who benefited from the Clinton Street sewer expansion – you can't ask Seventy-five Percent (75%) of the property owners who already paid for their sewers to now contribute to the (Old) Paris Road sewers and the Paris Road people only pay Twenty-five Percent (25%). Councilman Backman recalled that some Roberts Road residents had petitioned for sewers a couple years ago and the cost was charted out – Seventy-five Percent (75%) by the property owners and Twenty-five Percent (25%) from the sewer district; nothing's been done. Regarding the proposed (Old) Paris Road sewer extension, Councilman Backman was aware that for a number of property owners in the benefited area (Old Paris Road), the tax levy could be a problem.

Councilman Woodland acknowledged that two (2) property owners have health issues. Councilman Butler stated that the Goddards don't have a sewer problem but would have trouble selling their property because they can't get a percolation test – quality of life issues.

Dean Gordon, 204 Paris Road, New Hartford, stated that some of the neighbors need the public sewers while others don't. A lengthy discussion ensued. Thereafter, Councilman Butler introduced the following Resolution for adoption; seconded by Councilman Woodland:

(PROPOSED RESOLUTION) *Defeated

RESOLVED that the New Hartford Town Board does hereby support the petition for sewer extension along (Old) Paris Road on a 75%/25% (Town/property owner) basis, with approximately One Dollar and Forty-seven Cents (\$1.47) per year, per parcel from the Consolidated Sewer District for a twenty (20) year period, subject to permissive referendum.

A roll call vote was duly held and resulted as follows:

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

The vote was a tie, 2 – 2 and the Resolution was declared ***defeated.**

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 4

PUBLIC HEARING

8:13 P.M.

LOCAL LAW INTRODUCTORY NO. "B" (AS AMENDED) OF 2003; CODE CHAPTER 118, SPECIAL PERMIT USES IN A PHB DISTRICT

The Deputy Town Supervisor opened the Public Hearing at 8:13 P.M. and the Town Clerk presented the Notice of Public Hearing, Affidavit of Posting, and Proof of Publication (April 23, 2003 edition of The Observer Dispatch). The purpose of the Hearing is to consider *Local Law Introductory No. "B" (As Amended) of 2003* which, if adopted, would amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, by amending Section 118-6 [Definitions], Section 118-31 [Specific Special Use Permit Standards], and the Schedule of Use, Area and Bulk Regulations for a *PHB – Planned Highway Business District*. This legislation provides *definitions* of "mini- and self-storage units", specific standards for such "storage units" and *shall add "self-storage units" and "gasoline station" as special permit uses, together with the applicable area and bulk regulations, subject to Town Planning Board approval.*

Town Planner Schwenzfeier distributed a chronological list of correspondence and procedures relating to this matter.

Deputy Town Supervisor/Councilman Backman acknowledged that some people were present thinking the Town Board is voting on a traffic light for the intersection of Seneca Turnpike and Applewood Boulevard. John Barkett, Jr. of The Barkett Group, owner of the Applewood Community, explained his reasoning and application for *rezoning* the rear portion of a parcel on Seneca Turnpike (*Local Law Introductory No. "D" of 2003*), hoping that the number of motor vehicles would generate the need for a traffic signal, as defined by the NYS Department of Transportation (DOT). Deputy Supervisor Backman then asked those who were in favor of *Local Law Introductory No. "B" (As Amended) of 2003* to come forward; those *in favor* included:

- George Engel, 10 Applewood Boulevard
- Thomas Hayes, 322 Matthew Drive
- Mary Tettamont, 500 Patricia Drive

Attorney Rossi explained that zoning laws are for rational development of a municipality and the Town Board is responsible for zoning; this particular Public Hearing is to determine whether it makes sense to have gasoline stations and/or self storage units in these areas (Planned Highway Business zoned areas) – not the traffic light – but the thinking behind this is if the zoning is liberalized, that by allowing gasoline stations and storage units, the number of motor vehicles will increase and perhaps DOT will change their minds.

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 5

Those continuing in favor included:

- Arlene Engel, 10 Applewood Boulevard
- Linda Czerkies, whose parents live in Applewood
- John Trzeciak, 512 Patricia Drive
- Howard Lowenkopf,
- Richard Kimball, Applewood Community

Lois Humphreys of Tibbitts Road, New Hartford asked "...isn't this (zoning text amendment) for the entire Planned Highway Business corridor, not just near the Applewood area/intersection?" Deputy Supervisor Backman responded affirmatively, that if this local law were to be adopted, gasoline stations and self-storage units would be permitted, if approved by the Town Planning Board, *in all PHB* districts in the Town.

The Deputy Town Supervisor then inquired if anyone opposed the legislation for a zoning text amendment; those who **opposed** and spoke were:

- Colin Kerley, 629 Barbara Avenue
- Robert White, 8080 Seneca Turnpike; while he would like the traffic signal, he opposes gasoline stations and storage units – believes it would ruin the Applewood Community; he's talked to neighbors who don't want the traffic signal
- Jean Maziarz, 516 Patricia Drive
- Rob Sanderl, 529 Patricia Drive
- Lisa Bishop, 713 Heloon Drive, opposed gasoline stations and storage units
- Charlene Greco, Applewood Community, said the area already has a gasoline station and convenience store
- Elaine Martin, Applewood Community; wants the speed limit reduced in front of Cherrywood-Applewood
- Waldemar Lemponen, 7 Partyka Road; don't need any more gasoline stations and noise – do something about speed limit and enforce it.
- Christine Nielson, Applewood Community

Police Chief Philo apprised the residents that the Town has tried to address the speed reduction with the NYS DOT along that stretch of Seneca Turnpike (NYS Route 5), which has become a lateral highway with increased traffic; he agreed that speed reduction is needed, however, the Town doesn't have jurisdiction over this state highway.

Councilman Butler stated that the Town had a GEIS done for the Seneca Turnpike-Commercial Drive corridor, with input from the police, highway, county agencies, etc. and they did not include gasoline stations and self-storage units in the Planned Highway Business (PHB) districts. The Town also has rezoned the Seneca Turnpike area and a

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 6

private consultant reviewed the zoning for the Town and did not recommend these uses in PHB districts. The Town Planning Board did a 239-review this Spring and recommended storage units in a PHB district, but not gasoline stations. Councilman Butler didn't think the Town Board should overlook professional planners recommendations.

Deputy Supervisor Backman noted that, because the Town Planning Board had rejected gasoline stations as special permit uses in PHB districts, the Town Zoning Law provides the Town Board would need a supermajority to adopt Local Law Introductory No. "B" (As Amended) of 2003. The Oneida County Planning Department had recommended approval of the two (2) additional special permit uses.

There being no one further to speak in the matter, the Public Hearing was declared closed at 8:50 P.M.

SEQR Negative Declaration – Local Law Introductory No. "B" (As Amended) of 2003

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

(RESOLUTION NO. 162 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford, as Lead Agency in the matter of the proposed Zoning Text Amendment to permit self-storage units and gasoline stations in a Planned Highway Business district as special permit uses subject to final approval of the Town Planning Board, does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, prepared by Town Planner Schwenzfeier, a copy of which will be filed in the Town Clerk's Office.

Upon roll call, the Town Board voted as follows:

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

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

Action on Local Law Introductory No. "B" (As Amended) of 2003 (DEFEATED)

Councilman Woodland moved that Local Law Introductory No. "B" (As Amended) of 2003 be adopted as Local Law No. Five of 2003, in the following format; seconded by

REGULAR TOWN BOARD MEETING
May 7, 2003
Page 7

Councilman Backman:

Town of New Hartford, New York
Proposed Local Law No. Five of 2003 (*Defeated)

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled ZONING, by amending Section 118-6 (Definitions), Section 118-31 (Specific special use permit standards), and the Schedule of Use, Area and Bulk Regulations for a PHB – Planned Highway Business District and specifically, the list of Special Permit Uses (Page 11939).

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

SECTION 1. Chapter 118 of the Code of the Town of New Hartford is hereby amended as follows:

Section 118-6. Definitions:

Add:

SELF-STORAGE UNITS - a building containing individual self-storage units divided from floor to the ceiling by a wall with an independent entrance from exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

MINI-STORAGE UNITS – See Self-Storage Units

Section 118-31. Specific special use permit standards:

Add:

F. Self-storage units facility.

All self-storage units facilities shall conform to the following additional standards:

1. The use shall be limited to individual storage compartments/units, not to exceed 200 square feet.
2. All self-storage units shall be screened by a 50 foot wide landscaped strip and earthen berm consisting of a dense deciduous and evergreen barrier of a height sufficient to obscure the self-storage units from adjoining uses, properties, and roads.

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 8

- 3. The exterior walls of the proposed structure shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code.
- 4. All storage units shall be of neutral tones, which harmonize with the surrounding area.
- 5. No self-storage units shall exceed one story in height.
- 6. No outside storage is allowed.
- 7. No electrical outlets shall be allowed in individual units.
- 8. No self-storage facility shall exceed five (5) acres in size. The facility size shall be calculated by the units, roadways/paved surfaces, fencing, as well as the landscape buffer, and all other associated items.
- 9. No self-storage facility shall be located within 5,000 feet of another self-storage facility.

Section 118-93. Schedule of Use, Area and Bulk Regulations
 PHB – Planned Highway Business District

Add:

Special Permit Uses:	Gasoline Station
Minimum Lot Size (Area):	1 acre
Minimum Lot Size (Minimum Width):	200 feet
Maximum Lot Coverage:	40%/50%
Minimum Percent of Lot to be Permeable:	33%
Maximum Building Height:	35 feet
Minimum Yard Dimensions – (Front)	50 feet
- (Each Side) *2	25 feet
- (Rear) *2	50 feet

Special Permit Uses:	Self-storage units
Minimum Lot Size (Area):	5 acres
Minimum Lot Size (Minimum Width):	200 feet
Maximum Lot Coverage:	20% *3
Minimum Percent of Lot to be Permeable:	33%
Maximum Building Height:	15 feet
Minimum Yard Dimensions – (Front)	250 feet
- (Each Side) *2	50 feet
- (Rear) *2	50 feet

NOTES: *3 Maximum lot coverage for the total lot is 40%/50%. Only 20% of the total lot shall be used as self-storage units. The remaining 20%/30% of lot coverage may be used for other

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 9

permitted site plan review uses, and/or special permitted uses as deemed appropriate by the Planning Board.

SECTION 2. All other provisions 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 in accordance with Section 27 of the Municipal Home Rule Law.

Discussion followed:

- Councilman Waszkiewicz inquired of Town Planning Board Chairman N. Joseph Yagey what the Planning Board’s reasoning was for not including gasoline stations; he responded that the people who spoke tonight mirrored the exact reasons, including comments of Councilman Butler, as to why the Town Planning Board rejected this legislation. Discussion was adequately outlined....the Planning Board said “yes” to storage units but **NO to gasoline stations**.
- Zoning Board of Appeals Chairman Gerald Green stated that the experts allowed for specific uses in certain sections of town.
- Highway Superintendent Roger Cleveland commented that The Barkett Group was trying to put a development up front as a service to their Applewood Community residents – for fewer trips out onto Seneca Turnpike; he believed a gasoline station would increase some traffic but not a great amount.

The Town Board then voted upon roll call, which resulted as follows:

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

Thereafter, **Local Law Introductory No. “B” (As Amended) of 2003** was declared **DEFEATED**.

Councilman Woodland then moved that Local Law Introductory No. “B” (As Amended) of 2003 be adopted as Local Law No. Five of 2003, **adding self-storage units** as a special

REGULAR TOWN BOARD MEETING
May 7, 2003
Page 10

permit use *but excluding gasoline stations* as a special permit use in PHB districts; seconded by Councilman Backman.

The Town Board then voted upon roll call, which resulted as follows:

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

Thereafter, *Local Law Introductory No. "B" (As Amended) of 2003* [to include self-storage units, but to exclude gasoline stations in PHB Districts] was declared **DEFEATED**.

PUBLIC HEARINGS (CONT'D)

**9:08. P.M. LOCAL LAW INTRODUCTORY NO. "D" OF 2003;
BARKETT ZONE MAP AMENDMENT
APPLICATION, LDR TO PHB**

Before the Public Hearing was opened, John Barkett, Jr. of The Barkett Group, Inc. *withdrew his Zone Map Amendment Application* to rezone 2.71 acres fronting Applewood Boulevard/Seneca Turnpike, from Low Density Residential (LDR) to Planned Highway Business (PHB). The Town Board unanimously agreed and declared the Application withdrawn and terminated.

**9:10 P.M. AMEND 2003 FIRE PROTECTION AGREEMENT,
DISTRICTS 1 AND 2 TO INCLUDE CLARK MILLS
VOLUNTEER FIRE COMPANY**

The Deputy Town Supervisor opened the Public Hearing at 9:10 P.M. and the Town Clerk presented the Notice of Public Hearing, Affidavit of Posting, and Proof of Publication (April 23, 2003 edition of The Observer Dispatch). The purpose of the Hearing is to consider amending the 2003 Fire Protection Agreement with the Village of New Hartford and its Fire Department and specifically, to authorize the Clark Mills Volunteer Fire Department to provide fire protection service to the following properties for an annual payment to said Fire Department of Two Thousand Dollars (\$2,000):

<u>Tax Map Parcel No.</u>	<u>Owner/Address</u>
315.00-4-1	Leslie McNeill, 42 Pratt Ave
315.00-4-2	Abdul Vohid, Pratt Ave
315.00-4-3	Matthew Ptak, Pratt Ave

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 11

315.00-4-4	Lynn F. Cross, 34 Pratt Ave
315.00-4-5	Rose Mary Sorge, Pratt Ave
315.00-4-6	J. H. Lenahan & Sons, Pratt
315.00-4-8	Robert D. Swing, Pratt Ave
315.00-4-9	Milgate Homes, Pratt Ave
315.00-4-10.1	Stanley Sroka, Sr., Pratt Ave
315.00-4-10.2	Stephen Sroka, Sr., Pratt Ave
315.00-4-11.1	John Sroka, Sr., Pratt Ave
315.00-4-12	John Ptak, Pratt Ave.

All property owners had been notified by the Town Clerk of the May 7, 2003 Public Hearing.

Deputy Town Supervisor Backman inquired if anyone present wished to speak in favor of the proposed amendment; no one having come forth, the Deputy Supervisor questioned whether anyone present wished to speak in opposition to the proposed amendment to the Fire Protection Agreement for Districts 1 and 2. No one came forth.

Councilman Butler wished to clarify that it was the Town's intent for the New Hartford Village and its Fire Department to sub-contract with the Clark Mills Fire Department, for the duration of 2003, those parcels which they are already servicing and that the New Hartford Fire Department would not be giving up any territory and that the Village will be responsible for the sub-lease agreement. Further, since the Town was paid the Village of New Hartford for its 2003 fire protection, the Village of New Hartford will make payment of Two Thousand Dollars (\$2,000) to the Clark Mills Fire Department for fiscal year 2003. The fire protection contract in 2004 will be drafted accordingly, with any payment for services to be made by the Town.

New Hartford Fire Chief David Reynolds is in favor of this proposal and wants to mirror the Town of Whitestown agreement with the Clark Mills Fire Department.

There being no further comments, the Public Hearing was closed at 9:14 PM.

Amendment (Sub-lease) – Fire Protection Agreement, District 1 and 2

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

(RESOLUTION NO. 163 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize an amendment to the 2003 Fire Protection Agreement with the Village of New Hartford and the Village of New Hartford Fire Department, wherein said Village is hereby authorized to enter into a

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 12

sub-lease agreement with the Clark Mills Fire Department who shall provide fire protection services during fiscal year 2003 to the following Town of New Hartford parcels:

<u>Tax Map Parcel No.</u>	<u>Owner/Address</u>
315.00-4-7	Leslie McNeill, 42 Pratt Ave
315.00-4-8	Abdul Vohid, Pratt Ave
315.00-4-9	Matthew Ptak, Pratt Ave
315.00-4-10	Lynn F. Cross, 34 Pratt Ave
315.00-4-11	Rose Mary Sorge, Pratt Ave
315.00-4-12	J. H. Lenahan & Sons, Pratt
315.00-4-11	Robert D. Swing, Pratt Ave
315.00-4-12	Milgate Homes, Pratt Ave
315.00-4-13.1	Stanley Sroka, Sr., Pratt Ave
315.00-4-10.2	Stephen Sroka, Sr., Pratt Ave
315.00-4-11.2	John Sroka, Sr., Pratt Ave
315.00-4-12	John Ptak, Pratt Ave.

and be it

FURTHER RESOLVED that the Village of New Hartford shall pay the Clark Mills Fire Department the sum of Two Thousand Dollars (\$2,000) for this service in 2003.

A roll call vote was duly held as follows:

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

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

PUBLIC PRESENTATIONS

Re-assessment Program

Mary and Donald Satterlee of 75 New Hartford Street, New York Mills conveyed their displeasure with the increase in their assessment as well as the attitude and comments made by the Maxwell Appraiser staff. New Hartford Village Mayor Donald Ryan also conveyed remarks made by the Maxwell staff one day when the staff reported late for work and property owners were waiting outside the Kellogg Road Community Center

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 13

Building. After some discussion, the Deputy Town Supervisor stated the Town Board will diligently work so this doesn't happen again.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Appointment – Part-time Bus Driver

Upon recommendation of Director M. Eileen Spellman, Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 164 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint Shirley Root as a Part-time, Substitute Bus Driver, retroactive to April 11, 2003, at an hourly wage of Ten Dollars and Thirty-eight Cents (\$10.38), payable bi-weekly.

The Deputy Supervisor polled the Board members who voted as follows:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

Disposal of Surplus Equipment (Computers)

Upon request of Director Spellman, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 165 OF 2003)

RESOLVED that the New Hartford Town Board does hereby declare as surplus the “old” computers donated to the New Hartford Adult Dining & Activity Center by the former Griffiss Air Force Base and does further authorize and direct M. Eileen Spellman, Director of Senior Services, to dispose of said equipment.

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

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

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 14

Councilman Backman - Aye
Supervisor Humphreys - ABSENT.

Deputy Supervisor Backman declared the Resolution unanimously carried and duly adopted.

Training School

Upon request of Director Spellman, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 166 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 M. Eileen Spellman, Director of Senior Services to attend the "*Aging Concerns Unite Us*" Conference in Syracuse, New York on June 2 and June 3, 2003, 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 - ABSENT.

Whereupon, the Resolution was declared unanimously carried and duly adopted.

ASSESSOR:

Re-assessment Program

Assessor Paul Smith has received numerous complaints about the manner in which Town property owners have been treated and these issues need to be addressed with Maxwell Appraisers and their staff. Since his employment, Assessor Smith has never had the volume of changes as this year and the appraisers may not have expected to have such a full schedule from 9 A.M. to 5 P.M. daily; there were long waits by property owners. The State doesn't review the final sales/data until Autumn 2003/early Winter according to the Assessor. After some discussion, the Town Board charged the Assessor with reviewing the process and to determine any ways to enhance the process.

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 15

PARKS AND RECREATION DIRECTOR:

Village Gazebo

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

(RESOLUTION NO. 167 OF 2003)

WHEREAS, the Parks and Recreation Director has been working on a joint project with the Village of New Hartford and several community groups for construction of a new Gazebo in the Village Park at a total cost of Twenty-two Thousand Dollars (\$22,000);

NOW, THERE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the expenditure of Eight Thousand Dollars (\$8,000) toward the Gazebo construction, with Wal-Mart to reimburse the Town the sum of Five Thousand Dollars (\$5,000) at a later date; the Town would utilize the Gazebo for its annual Summer Band Concerts.

A roll call vote ensued:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

Park Web Site

The Parks and Recreation Director explained a self-sustaining Web site for his Department and Attorney Rossi saw no impediments with going forward with this site. Councilman Butler introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 168 OF 2003)

WHEREAS, the Parks and Recreation Director has ascertained sponsorship for the next several months for a Web site that will be self-sustaining, with sponsors noted in one spot, with no “pop up” or “flash” advertisements;

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 16

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby grant permission to the Parks and Recreation Director to set up a self-sustaining Web site for the Parks and Recreation Department, with initial costs to be borne by the Town.

The Deputy Supervisor polled the Board members individually:

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

The Resolution was declared unanimously carried and duly adopted.

Appointments – Part-time Seasonal Employees

Upon recommendation of the Parks and Recreation Director, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 169 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department; all wages to be paid bi-weekly:

Parks – A7110.14; commencing May 13, 2003

NAME	POSITION	RATE OF PAY
Michael Alsheimer	Park Laborer II	\$ 7.45/per hour
Michael Cortese	Park Laborer I	\$ 6.95/per hour
Steve Harmon	Park Laborer I	\$ 6.95/per hour
Adam Griffin	Park Laborer I	\$ 6.95/per hour
Michael Steele	Park Laborer I	\$ 6.95/per hour
Michael Harrigan	Park Laborer I	\$ 6.95/per hour
Eric Kahler	Park Laborer I	\$ 6.95/per hour
Michael DePhillips	Park Laborer I	\$ 6.95/per hour
Jeffrey Abounader	Park Laborer I	\$ 6.95/per hour

Playgrounds – A7140.11 & Summer Theatre – A7145.1
Commencing June 26, 2003 and ending August 8, 2003

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 17

NAME	POSITION	RATE OF PAY
Kevin Bovi	Director, Donovan Memorial Park	\$ 9.92/per hour
Julie Hulser	Recreation Attendant, Donovan Park	\$ 5.78/per hour
Robert Waterman	Recreation Attendant II, Donovan Park	\$ 6.84/per hour
Sarah Wilson	Recreation Attendant, Donovan Park	\$ 5.78/per hour
Rachel Mohr	Recreation Attendant II, Donovan Park	\$ 6.84/per hour
Heather Freiburger	Director, Oxford Road Playground	\$ 9.92/per hour
Arity Buckley	Recreation Attendant II, Oxford Road	\$ 6.84/per hour
Nicholas Grimmer	Recreation Attendant II, Oxford Road	\$ 6.84/per hour
Shaun McQueary	Recreation Attendant, Oxford Road	\$ 5.78/per hour
Lindsay King	Recreation Attendant, Oxford Road	\$ 5.78/per hour
Matthew Cavo	½ day Recreation Attendant, Oxford Road	\$ 5.78/perhour
Sarah Batson	Director, Clinton Road Playground	\$ 9.92/per hour
Adrienne Greer	Asst. Director, Clinton Road Playground	\$ 7.25/per hour
Tracy Steele	Recreation Attendant II, Clinton Road	\$ 6.84/per hour
Scott Briggs	Recreation Attendant II, Clinton Road	\$ 6.84/per hour
Kimberly Alberico	Recreation Attendant, Clinton Road	\$ 5.78/per hour
Mark Bieganowski	½ day Recreation Attendant, Clinton Road	\$ 5.78/per hour
(vacant)	Director, Higby Road Playground	\$ 9.92/per hour
Rebecca Anderson	Recreation Attendant II, Higby Road	\$ 6.84/per hour
Chelsea Callan	Recreation Attendant II, Higby Road	\$ 6.84/per hour
Raymond Pecheone	Recreation Attendant, Higby Road	\$ 5.78/per hour
Dominick Timpano	½ day Recreation Attendant, Clinton Road	\$ 5.78/per hour
Barbara Kivela	Head Bus Driver	\$11.33/per hour
Linda Mundrick	Bus Driver	\$10.71/per hour
Ellen Tabolt	Bus Driver	\$10.71/per hour
Shirley Root	Substitute Bus Driver	\$10.71/per hour
Timothy Madden	Adult Basketball Director	\$15.91/per hour
Jerome Pitarresi	Adult Basketball Assistant Director	\$11.12/per hour
Edward Prue	Youth Basketball Director	\$14.31/per hour
George Kazanjian	St. John's Basketball Director	\$15.91/per hour
Jamie Sitera	Dance Director	\$16.00/per hour
Garrett Lubertine	Tennis Instructor	\$15.00/per hour
Steven Orton	Summer Theater Director (6/25-8/7/03)	\$17.51/per hour
Jesse Orton	Summer Theater Assistant Director ("	\$ 7.88/per hour

Swim Program – A7230.1; commencing June 23, 2003

NAME	POSITION	RATE OF PAY
Diane Muller	Pool Director & Evening Supervisor	\$10.30 & \$7.50/hr
Kim Philo	Certified WSI & Substitute Supervisor	\$ 8.75/per hour
Kim Schrader	Certified WSI & Substitute Supervisor	\$ 8.75/per hour
Brian Bartoszek	WSI	\$ 8.25/per hour

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 18

NAME	POSITION	RATE OF PAY
Liam Dwyer	WSI	\$ 8.25/per hour
Kevin Bartoszek	WSI	\$ 8.25/per hour
Craig Sherman	Boys' Locker Attendant	\$ 5.72/per hour
Kathryn Karl	Instructional Lifeguard	\$ 7.73/per hour
Jenna Humphreys	Evening Lifeguard	\$ 7.36/per hour
Paul Manfredo	Evening Lifeguard	\$ 7.36/per hour
Jenna Marchetta	Substitute Evening Lifeguard	\$ 7.36/per hour
Allie Matt	Evening Lifeguard	\$ 7.36/per hour
Mary Carol Karl	WSI	\$ 8.25/per hour
Anna Wanner	Evening Lifeguard	\$ 7.36/per hour
Erica Masi	Evening Lifeguard	\$ 7.36/per hour
Jonathan Nobles	WSI	\$ 8.25/per hour
Michelle Tebsherany	Evening Lifeguard	\$ 7.36/per hour
Sara Stamboly	Lifeguard, Donovan Wading Pool	\$ 7.36/per hour
Bryce Lamberto	Lifeguard, Donovan Wading Pool	\$ 7.36/per hour
Kacie Cunningham	Lifeguard, Donovan Wading Pool	\$ 7.36/per hour
Elaine Hage	Water Aerobics Instructor (7/1-9/11/03)	\$35/per hour
Linda Budlong	Water Aerobics Instructor (7/1-9/11/03)	\$35/per hour
Maurine Farruggia	Water Aerobics Instructor (7/1-9/11/03)	\$35/per hour.

Whereupon, the Town Board voted upon roll call:

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

Training School

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

(RESOLUTION NO. 170 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 W. Jeffery, Parks and Recreation

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 19

Director to attend a Grant Workshop on May 15, 2003 and a Youth Empowerment Option Seminar on May 16, 2003 in Syracuse, New York, at no cost to the Town of New Hartford.

The Resolution was voted upon by roll call as follows:

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

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

HIGHWAY SUPERINTENDENT:

Kavod Road - Abandonment

The Charles Sitrin Health Care Center had contacted the Highway Superintendent; their Executive Board has passed a resolution to accept Kavod Road, which will be abandoned and deeded to them by the Town.

Appointments – Seasonal Highway

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

(RESOLUTION NO. 171 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Highway Department, for the time-frame indicated; all wages to be paid bi-weekly:

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Catherine Koury [May 19-end of August 2003]	Student Worker (8 hours/day)	\$ 7.75/per hour
Ava Massoud [May 19-end of August 2003; Codes-3 days & Highway-2 days]	Seasonal Clerk (7 hours/day)	\$ 7.75/per hour
Michael Shaw [May 12-end of August 2003]	Temporary Laborer (8 hours/day)	\$ 7.75/per hour
Andrew Parrott [May 12-end of August 2003]	Temporary Laborer (8 hours/day)	\$ 7.75/per hour
Jesse Conhaim [May 8-end of August 2003].	Temporary Laborer (8 hours/day)	\$ 7.75/per hour

REGULAR TOWN BOARD MEETING
May 7, 2003
Page 20

Whereupon, the Town Board voted by roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

No Dumping Sign

The Town Board concurred with the Highway Superintendent to erect a “NO DUMPING” sign in the vicinity of Mallory Road and Oneida Street, across from the Duffy property.

Agreement – Systems Development Group, Inc. (SDG)

Upon recommendation of the Highway Superintendent and Town Staff at the Sanger Public Works Garage, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 172 OF 2003)

WHEREAS, on March 19, 2003 the New Hartford Town Board adopted Resolution No. 113, authorizing the purchase of computer software and hardware from Systems Development Group, Inc. (SDG) for the sum of Forty Thousand Dollars (\$40,000); and

WHEREAS, Town Staff have subsequently determined if the Town were to secure a better GPS unit, it would benefit the Town and make the Town’s data collection compatible with Oneida County’s computer hardware;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize an increase of Two Thousand Eight Hundred Dollars (\$2,800) to the SDG Agreement to include an improved GPS unit. With the software price of Seven Thousand Dollars remaining unchanged, the total Agreement with SDG would be a total of Forty-two Thousand Eight Hundred Dollars (\$42,800).

The Deputy Supervisor polled the Town Board members who voted as follows:

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

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 21

Councilman Backman - Aye
Supervisor Humphreys - ABSENT.

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

Sessions Road – Reconstruction/Realignment

The Highway Superintendent apprised the Board that MVCC feels that, for legal reasons, they are not in a position to perform the design work for reconstruction or realignment of Sessions Road, as requested by the Town. Councilman Backman suggested that the Town identify an alternate source of “fill” for Sessions Road, as dirt from the Judd Road Connector project may not be available.

Authorization for Competitive Bid – Bituminous Concrete Paving

Upon request of the Highway Superintendent, Councilman Butler presented the following Resolution and moved its adoption, which was seconded by Councilman Woodland:

(RESOLUTION NO. 173 OF 2003)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the ***Bituminous Concrete Paving*** of certain Town roads, in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Friday, May 30, 2003 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

FURTHER RESOLVED that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

It was noted that several local municipalities have indicated their interest to “piggy-back” on this project. The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Judd Road Connector Lighting

Upon presentation by the Highway Superintendent and review and approval of Attorney

REGULAR TOWN BOARD MEETING
May 7, 2003
Page 22

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

(RESOLUTION NO. 174 OF 2003)

RESOLUTION FOR MAINTENANCE OF LIGHTING / JUDD ROAD CONNECTOR PROJECT, P.I.N. 2801.27B

WHEREAS, the New York State Department of Transportation proposes the construction of the Judd Road Connector Project, P.I.N. 2801.27B; and

WHEREAS, the State will include, as part of the construction of the above-mentioned project, the installation of lighting pursuant to Section 10, Subdivision 22, Section 46, or Section 349-c of the Highway Law and Section 10, Subdivision 24 of the Highway Law; as shown on the contract plans relating to the project; and

WHEREAS, the State will provide for the installation of the above-mentioned work, as shown on the contract plans relating to the project;

NOW, THEREFORE, BE IT RESOLVED: 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; and

BE IT FURTHER RESOLVED: that the Town Clerk is hereby directed to transmit five (5) certified copies of the foregoing Resolution to the State Department of Transportation.

The Town Board then voted upon roll call, which resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Agreement - Roadside Mowing

Upon recommendation of the Highway Superintendent and Attorney Rossi having

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 23

reviewed the Agreement, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 175 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Deputy Town Supervisor and Highway Superintendent, in behalf of the Town of New Hartford, to enter into and to execute the ***ROADSIDE MOWING AGREEMENT*** between the Oneida County Department of Public Works and said Town for the summer season from May 2003 through September 2003 and in accordance with the terms and conditions set forth in said ***AGREEMENT***.

The Deputy Supervisor polled the Board members who voted as follows:

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

The Resolution was thereupon declared unanimously carried and duly adopted.

Pre-Development Agreement & Memorandum of Understanding – Alfredo’s Ristorante

Upon recommendation of the Highway Superintendent, Councilman Woodland introduced the following Resolution for adoption and Councilman Butler seconded same:

(RESOLUTION NO. 176 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Deputy Town Supervisor to execute a Pre-Development Agreement and Memorandum of Understanding between the Town of New Hartford and Alfredo’s Banquet-Restaurant, 8360 Seneca Turnpike, New Hartford wherein said Alfredo’s Banquet-Restaurant would contribute, as per the conditions of said Pre-Development Agreement, the total sum of Two Hundred Twenty Dollars and Thirty-two Cents (\$220.32) as same relates to an addition to the restaurant within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area.

The foregoing Resolution was duly put to a vote upon roll call:

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

REGULAR TOWN BOARD MEETING
May 7, 2003
Page 24

Councilman Backman - Aye
Supervisor Humphreys - ABSENT.

Whereupon, the Resolution was declared unanimously carried and duly adopted.

Request for “Children At Play” Advisory Traffic Sign

The Highway Superintendent had received a Request for a “Children at Play” sign on Cascade Drive. Discussion followed after which the following Resolution was introduced by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 177 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Department to erect one (1) “NO OUTLET” advisory sign at the entrance of Cascade Drive, off Valley View Road.

The Board then voted upon roll call as follows:

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

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

POLICE CHIEF:

Expansion – Jerome K. Madden Justice Building

The report from consultant Clark Patterson Associates had been distributed as to the idea of a second floor on the Jerome Madden Justice Building and code structure compliance; Chief Philo said it doesn’t look promising.

TOWN CLERK:

Refund – Midway Rides/Home Depot Carnival

Upon presentation by the Town Clerk, Councilman Waszkiewicz offered the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 178 OF 2003)

WHEREAS, Midway Rides of Utica had submitted an application for and paid for a permit under Chapter 44 of the Code (Mass Public Assembly) for a carnival to be

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 25

conducted April 30 through May 4, 2003 on The Home Depot property, French Road; and

WHEREAS, subsequent to the submission of their application for a permit, Midway Rides of Utica had been denied use of The Home Depot property by the Home Office of that company, thereby forcing Midway Rides to cancel the carnival;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the refund of the Five Hundred Dollar (\$500) permit fee to Midway Rides of Utica due to cancellation of the planned event.

Thereupon, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Resignation of Deputy Town Clerk II

The Town Clerk announced the resignation, effective April 30, 2003, of Deputy Town Clerk II Sarah Long, who has relocated to Georgia with her family on May 1, 2003; the Town Clerk Committee had been notified on April 21, 2003.

Appointment of Deputy Town Clerk II

In accordance with Town Law, Town Clerk Gail Wolanin Young announced her appointment of Nancy E. Kneller to fill the vacancy created by Sarah Long's resignation. Ms. Kneller's application, filed with the Town Personnel Assistant, was pre-approved by the Oneida County Personnel Department and she began employment as Deputy on May 1, 2003.

Establish Salary – Deputy Town Clerk II

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

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 26

(RESOLUTION NO. 179 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby establish the annual salary of Nancy E. Kneller, Deputy Town Clerk II at \$18,500, payable bi-weekly, effective May 1, 2003.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Use of Town Voting Machines

On April 16, 2003 the Town Board granted permission to the New York Mills Union Free School district for use of Town voting machines for their May election and budget vote; however, since that time, the State has set the school election/budget date for Tuesday, June 3, 2003. The Board concurred that their permission is extended to the June 3rd date.

Raffle Consent

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

(RESOLUTION NO. 180 OF 2003)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Heritage Health Care Center, 1657 Sunset Avenue, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 27

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

The Resolution was declared unanimously carried and duly adopted.

Vacancies – Zoning Board of Appeals

The Town Clerk confirmed that the terms of office of Zoning Board of Appeals' members Stephen Welty and Frederick Kiehm will expire June 9, 2003 and that appointments or reappointments cannot be made until the vacancy exists.

MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN

ATTORNEY ROSSI:

The Attorney had several matters for Executive Session.

COUNCILMAN WASZKIEWICZ:

Matters on the Agenda that were tabled included:

- Resolution – information and material storage analysis
- Police/court facilities, Kellogg Road
- Press release for Zoning Board of Appeals' vacancies

Earlier in the meeting, the Town Board had discussed the assessments, complaints about the contractor and staff and the grievance meeting process with the objective of improvements in 2004.

Councilman Waszkiewicz continues to work on:

- criteria for extension of public sewers (Paris Road extension)
- posting of sign notification for zoning variances and/or amendments
- Recreational area green space – percentage
- UMVRWB – proposed water tower location
- Annexation process – parcels into Village of New York Mills

Councilman Waszkiewicz will provide the Town Clerk with updated information on the Oneida-Herkimer Counties Economic Zone Board (i.e., businesses and two County bank of available area).

COUNCILMAN BUTLER

School Crossing Guards:

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 28

Councilman Butler questioned what the Town could do to obtain a “5G agreement” with respect to the School Crossing Guards. Attorney Rossi had forwarded a letter to the Attorney General who, in turn, referred the Town’s inquiry to the NY State Comptroller. Councilman Waszkiewicz asked that the Department of State also be consulted for their opinion as to whether the Town can legally expend funds to pay the school crossing guards working in a village. [NOTE: General Municipal Law prohibits a town from paying school crossing guards in a village.] Attorney Rossi will further research the criteria for a “5G Agreement”.

COUNCILMAN BACKMAN:

Motor Pool Committee

After comparing retail quotations received by the Motor Pool Committee for oil changes to the Town’s fleet, Councilman Backman reported that it doesn’t appear to be a cheaper avenue for the Town – the idea had been to save money and to relieve the mechanics at the Sanger Public Works Garage. After Town Board discussion, it was the consensus not to proceed with contracting for oil changes because the Town would not benefit – the logistics were not right.

Private Haulers – Curbside Trash Collection

Deputy Supervisor/Councilman Backman reviewed quotations from *Feher Rubbish Removal* and *Waste Management*, private trash haulers, relating to collection of curbside trash. The Town Supervisor had expressed an interest in trying this and then determine if it’s worth pursuing versus having the Town highway crews perform this task. The Highway Superintendent stated he doesn’t have money budgeted for private hauler collection. Discussion ensued with no action being taken.

MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 181 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. 14	\$ 228.00
General Fund, Whole-Town Abstract No. 15	\$ 74,106.79
General Fund, Part-Town Abstract No. 13	\$ 114.00
General Fund, Part-Town Abstract No. 14	\$ 27,852.46

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 29

Highway Fund, Part-Town Abstract No. 10	\$ 25,702.76
Sewer Fund Abstract No. 7	\$ 4,869.67
Street Light District Abstract No. 7	\$ <u>7,236.33</u>
TOTAL:	\$140,110.01

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Proposed Community Residence by The ARC – 7 Wheatley Circle

In April 2003, the Town received notification that The ARC intends to relocate an existing community residence of five (5) individuals to 7 Wheatley Circle. Councilman Waszkiewicz appeals that The ARC find another location which has access from two (2) locations rather than on a dead-end street, such as Wheatley Circle. Attorney Rossi questioned whether there are similar residences in that area – the Town could object due to over saturation, but probably not because it’s a dead-end street.

EXECUTIVE SESSION

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

(RESOLUTION NO. 182 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss acquisition of real property, the disposal of real property and the Salerno (assessment) certiorari proceeding brought against the Town of New Hartford.

A roll call vote ensued:

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

REGULAR TOWN BOARD MEETING

May 7, 2003

Page 30

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 11:22 P.M. Attorney Rossi remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 183 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	-	ABSENT.

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 11:54 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 11:54 P.M.

Respectfully Submitted,

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