

**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, JUNE 4, 2003 AT 7:03 P.M.**

The Town Supervisor called the meeting to order at 7:03 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 @ 8:15 PM)
Highway Superintendent Roger A. Cleveland
Planner Kurt Schwenzfeier (Arrived @ 7:42 PM)
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.

MINUTES

April 16, 2003 Regular Meeting

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

(RESOLUTION NO. 202 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 **April 16, 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.

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 2

The Resolution was declared unanimously carried and duly adopted.

April 28, 2003 Special Meeting

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

(RESOLUTION NO. 203 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 **April 28, 2003** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED, as he was not present at the April 28, 2003 special meeting
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution carried and duly adopted.

May 21, 2003 Regular Meeting

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

(RESOLUTION NO. 204 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 **May 21, 2003** and does further waive the reading of the same.

Upon questioning of Councilman Waszkiewicz, the Town Board confirmed (Page 5 – Curbside Trash Collection) that a yet-to-be-determined private hauler would collect all trash, including “white” goods in a specific area of Ward One. Thereafter, a roll call vote was duly held and resulted as follows:

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

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 3

Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

May 24, 2003 Special Meeting

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

(RESOLUTION NO. 205 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 **May 24, 2003** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSTAINED, as he was
not present at the special meeting of May 24, 2003		
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	ABSTAINED, as he was
not present at the special meeting of May 24, 2003		
Supervisor Humphreys	-	Aye.

The Resolution was thereafter declared carried and duly adopted.

PUBLIC PRESENTATIONS

SAUQUOIT CREEK BASIN STEERING COMMITTEE:

Highway Superintendent Roger Cleveland explained the goals and objectives of the Sauquoit Creek Basin Steering Committee over the past several years, the latest of which is an attempt to become a legal entity. The Steering Committee has talked with most municipal boards, explaining the program they are trying to develop, their plans, etc. Highway Superintendent Cleveland introduced *Village of New York Mills Mayor Robert Maciol*, a member of the Steering Committee, and *Cary Flack*, staff member with the Herkimer-Oneida County Comprehensive Planning Program.

Robert Maciol then provided an *overview of the Sauquoit Creek Basin*, which covers sixty-three (63) miles, primarily within Oneida County. Twenty-one (21) miles in length, the Sauquoit Creek originates in the Town of Paris and flows in a northerly direction through eight (8) towns, villages and cities, emptying into the Mohawk River.

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 4

The *watershed* encompasses an additional five (5) townships, including a small portion of Herkimer County. While the upper (southern portion) of the watershed is primarily agricultural and residential in nature, the lower watershed is highly urbanized, containing dense residential and commercial development. The Sauquoit Creek Watershed includes the Towns of Paris (43% of *basin land area*), New Hartford (31%), Kirkland (11%), Whitestown (5%) and Litchfield (3%), and the Village of New York Mills (2%). The remaining 5% of the watershed is comprised of the Towns of Bridgewater, Marshall and Frankfort, the City of Utica, and the Villages of New Hartford, Clayville, Whitesboro and Yorkville.

The Sauquoit Creek basin has had a long-time history of localized and generalized flooding, both chronic and acute events. These occurrences are an impediment to economic and residential development; property damage has involved \$1.2 million in paid claims and does not include any unclaimed or uninsured losses or rejected claims. As a result, insurance costs have increased; coverage is not available in all areas but is required by lenders in FEMA designated flood plains.

The Basin Steering Committee, consisting of municipalities in the watershed, was then formed with the intent to establish a legal entity, engineering and planning initiatives, Best Management Practices, to identify potential revenue streams and to provide stewardship for future generations. The total *assessed property value of the Basin is \$1.6 Billion:*

- Total Assessed Commercial Property value ≥\$600 Million
- Average Residential Assessed Value ≥\$94,000
- Approximately 14,5000 parcels (10,500 residential)

\$3 Million in capital improvements have been identified, including retention basins, ice control structures and channel stabilization. On an annual basis, the following need to be accomplished: channel maintenance, debris removal, emergency response, public education, monitoring/mapping/modeling, and landscaping. Costs were discussed and levying a twenty-five cent (\$.25) per one thousand assessed Value per year would yield about \$400,000 to cover annul operating costs, basin-wide. Communities would benefit from reduce insurance costs, the opportunity for economic/residential development, increased property values, increased public health and safety, improved natural habitat and environment, and increased recreational opportunities. Municipalities are urged to become involved by:

- Adopting a Resolution in support of the Committee initiatives
- Providing monetary support
- Participation in Steering Committee/Decision making

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 5

- Using Best Management Practices in municipal decision-making practices (zoning, subdivisions, etc.).

Highway Superintendent Cleveland stated that economic development projects in the Sauquoit Creek Basin can be challenged – that SEQR is a real issue and that municipal boards should pay attention to this.

Cary Flack thanked the Town Board for all its support to the Steering Committee, adding that without Highway Superintendent Cleveland, Village Mayor Maciol and Supervisor Humphreys, the Committee would be "...miles further behind".

The question arose as to the need to establish another legal entity to address this issue? Highway Superintendent explained that the State's monetary share of a project must be given to a municipality or an entity – *must be given to a body.* He conceded that the money could be given to a part-county agency or a municipality, etc. rather than the Steering Committee establishing another entity. A decision needs to be made. Municipalities need to make a long-term commitment to make sure the program is on going.

According to Mayor Maciol, all municipalities visited agree it's a problem that needs to be addressed; they're on board and supportive but need to determine what they will do. Some municipalities are not as negatively affected by the basin as others.

CHAPMAN ROAD:

Dennis Thompson, 8 Christopher Circle, New Hartford inquired about the survey crew on Chapman Road. Highway Superintendent Cleveland responded that Oneida County is seeking a federal grant for improvements to Chapman Road, a county highway, and that Oneida County is performing a preliminary survey.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Use of Senior Bus – "Walking tour" of Village

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

(RESOLUTION NO. 206 OF 2003)

WHEREAS, the New Hartford Historical Society is sponsoring a "walking tour" of the Village of New Hartford on Sunday, June 8, 2003, with a possible rain date of Saturday, June 14, 2003; and

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 6

WHEREAS, senior citizens will be parking their vehicles at the entrance to the New Hartford Shopping Center, the beginning point of the “walking tour”, and proceeding on foot through the Village, with the “walking tour” ending at the New Hartford Public Library, off Oxford Road;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize that the New Hartford Adult Dining & Activity Center “senior” bus be used during the New Hartford Historical Society’s “walking tour” of the Village of New Hartford, for the purpose of transporting senior citizens from the end point of the tour (Library) to the New Hartford Shopping Center where their vehicles would be parked; authorization for use of the “senior” bus is given with the express understanding that the New Hartford Historical Society shall reimburse the Town for the cost of operating the bus, including but not limited to the wages of the bus driver on Sunday, June 8, 2003 (possible rain date of Saturday, June 14, 2003).

[NOTE: The Town Planner joined the meeting at 7:42 P.M.]

The Town Board members then voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

PARKS AND RECREATION DIRECTOR:

Appointments - Part-time, Seasonal Employees

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

(RESOLUTION NO. 207 OF 2003)

WHEREAS, on May 7, 2003 the New Hartford Town Board had appointed numerous part-time, seasonal parks and recreation employees; and

WHEREAS, subsequent to the May 7th appointments, five (5) individuals had declined their appointments;

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 7

NOW, THEREFORE, BE IT 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:

Playgrounds – A7140.11 [June 30 through August 8, 2003]

NAME	POSITION	RATE OF PAY
Elizabeth Perra	Recreation Attendant, Higby Road	\$ 5.78/per hour
Daniel Kunze	½ day Recreation Attendant, Higby Road	\$ 5.78/per hour
Joseph Karam	Recreation Attendant, Clinton Road	\$ 5.78/per hour

Swim Program – A7230.1 [June 30 through August 22, 2003]

NAME	POSITION	RATE OF PAY
Courtney Kapes	Substitute Evening Lifeguard	\$ 7.36/per hour
David Maliani	Evening Lifeguard	\$ 7.36/per hour.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was thereupon declared unanimously carried and duly adopted.

2003-2004 Priority Project Lists

The Parks and Recreation Director submitted a list of priority projects for fiscal years 2003-2004, as well as the goals and objectives for annual maintenance of all facilities under his jurisdiction.

Grant Application – Donovan Memorial Park Wading Pool Conversion

Having reviewed the matter with the Parks and Recreation Committee, Director Michael Jeffery presented the following Resolution for the Board’s consideration; thereafter, Councilman Backman introduced the Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 208 OF 2003)

RESOLVED that Michael W. Jeffery, Director of Parks and Recreation, Town of New Hartford, New York, is hereby authorized and directed to file an application for funds

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 8

from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed Seventy-five Thousand Dollars (\$75,000), and upon approval of said request, to enter into and to execute a project agreement with the State for such financial assistance to the Town of New Hartford for the Donovan Memorial Park Wading Pool conversion and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

A roll call vote was duly held and 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.

Grant Application – New Hartford Recreation Center Outdoor Skating Facility

Having reviewed the matter with the Parks and Recreation Committee, Director Michael Jeffery presented the following Resolution for the Board’s consideration; thereafter, Councilman Butler introduced the Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 209 OF 2003)

RESOLVED that Michael W. Jeffery, Director of Parks and Recreation, Town of New Hartford, New York, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed Sixty-two Thousand Dollars (\$62,000), and upon approval of said request, to enter into and to execute a project agreement with the State for such financial assistance to the Town of New Hartford for the New Hartford Recreation Center Outdoor Skating Facility and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

The Board members then voted individually as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 9

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

The Resolution was declared unanimously carried and duly adopted.

Fireworks Display – Ice Cream Social/Community Day

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

(RESOLUTION NO. 210 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve an Agreement between the Town of New Hartford and American Fireworks Manufacturing Co., Utica, New York for a Fireworks Display on July 9, 2003 in conjunction with the Ice Cream Social/Community Day to be held at the New Hartford Recreation Center, said fireworks display not to exceed Four Thousand Dollars (\$4,000); and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Supervisor to execute said Agreement.

The Parks and Recreation Director had contacted Young Explosives in Rochester as well as the Utica-based American Fireworks Manufacturing; Young Explosives did not respond with a quote. Thereafter, the Town Board members then voted upon roll call:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

CODES ENFORCEMENT OFFICER:

Property Maintenance – 5 Coxe Ave

A residence at 5 Coxe Ave has been abandoned and the Codes Enforcement Officer is attempting to locate the financial institution holding the mortgage. Over the winter season, a company had secured the building in the presence of the police. The residence has incurred much interior water damage and since Spring 2003, youths have broken down the door and accessed the building. A local real estate firm has contacted the

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 10

Codes Enforcement Office, that a prospective buyer has submitted a purchase offer for the property and a closing is anticipated in several weeks.

Property Maintenance – 3738 Oneida Street

Codes Enforcement Officer Gerald Back has been attempting to locate the financial institution holding the mortgage for property at 3738 Oneida Street, as the property appears abandoned and has become unsightly. Upon recommendation of the Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 211 OF 2003)

WHEREAS, the Town of New Hartford had adopted on September 24, 1994 a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town (Code, Chapter 94); and

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 3738 Oneida Street (Tax Map Parcel No. 349.008-1-44), New Hartford, New York owned by John and Mary Hyde whose last known address is 3738 Oneida Street, New Hartford, New York; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owners via certified mail, which had been returned to the Town as undeliverable;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn at 3738 Oneida Street, with the costs and expenses incurred by the Town in connection therewith to be assessed against the land on which said public nuisance exists; specifically, the Town Board authorizes this expense to be levied against such real estate.

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.

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 11

Public Assembly Inspections

Codes Enforcement Officer Gerald Back reported that the inspections of places of public assembly (restaurants) in the Town and Village are proceeding well.

Posting of Signs – Notification of Zoning variances and/or amendments

The Town Codes Enforcement Officer had contacted the City of Utica relative to erecting temporary signs notifying area property owners of zoning issues. Utica erects such signs but only for “use” variances and zoning classification amendments.

PLANNER:

The Town Planner had no report.

PUBLIC PRESENTATIONS (CONT'D)

ANNEXATION PETITION – THOMAS BEZAK:

Donald Ehre, P.E. and his client, Thomas Bezak, pursued Mr. Bezak’s petition for annexation of the rear portion of his 66 New Hartford Street parcel into the Village of New York Mills; of the approximate 1.3 acre parcel, about 8/10^{ths} is located in the Village of New York Mills. Several years ago, Mr. Bezak had attempted to build multi-residences on the rear portion of this parcel; however, the Village of New York Mills wouldn’t allow him access of the Village sewers through the rear of his property. Mr. Bezak wishes to pursue annexation individually and not be incorporated into the Clinton Street annexation proposal. Having been informed by the Town Clerk earlier today that his letter seeking annexation lacked a notarized signature to be legal petition, Mr. Bezak said he would provide a legal petition. Discussion ensued about developing the Bezak property and possible conflicts with Town of New Hartford/Village of New York Mills zoning laws as the municipal boundary line divides his New Hartford Street property.

Attorney Rossi has been meeting with Councilman Waszkiewicz in an attempt to facilitate this matter; the annexation procedure is cumbersome with joint board meetings, individual board meetings, notices and even a provision for a special election if involved parties agree.

[NOTE: Assessor Paul Smith joined the meeting at 8:15 P.M.]

Attorney Rossi acknowledged receipt of the metes and bounds description and short EAF that Donald Ehre had submitted. The Assessor’s certification is also required. With his single-family home situated on the front portion of 66 New Hartford Street, if he were to develop the rear portion of the lot, the municipal boundary could go through a building – assessment would be a problem, he believed – ½ in the Town and ½ in the Village. Supervisor Humphreys inquired if the sewer issue were resolved, would Mr. Bezak be agreeable to leave his property in the Town. Mr. Bezak having expressed some interest,

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 12

the Town Supervisor said he would meet the week of June 9, 2003 with the New York Mills Mayor.

Councilman Waszkiewicz commented there was no downside for the property to be annexed to the Village of New York Mill; it simply is up to the residents if they want to acquire the service of a village in addition to services of a town – matter of additional taxes; but if a resident is only in the town, it would eliminate village taxes. Councilman Waszkiewicz will join the meeting with Supervisor Humphreys and the Village Mayor.

Before departing, Mr. Bezak commented that he wants to deal with one (1) set of rules for development purposes.

ASSESSOR:

Grievance Day Proceedings

Over the two-day Grievance Day hearings, the Board of Assessment Review handled approximately 510 grievances and the Board is in the process of reviewing these cases. There were about 270 non-appearances, excluding stipulations that totaled about 473. Approximately thirty-two hundred (3200) parcels had been re-assessed this year.

The Assessor and Assessor's Committee will meet the week of June 9, 2003 when the Assessor will provide an update on the State's revaluation program; the recently appointed Regional Director of the Syracuse Office, NYS Office of Real Property Services, will be invited to attend this meeting.

HIGHWAY SUPERINTENDENT:

Abandonment of Kavod Road

The Town has received the quit claim deed for Kavod Road and Attorney Rossi recommended some minor changes be made before the deed is recorded in the Oneida County Clerk's Office. Upon recommendation of the Highway Superintendent, the following Resolution was thereafter offered for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 212 OF 2003)

WHEREAS, the Charles T. Sitrin Home did offer to the Town of New Hartford a road that was certified by the Town as meeting all Town criteria for dedication as a public highway in the Town's inventory; and

WHEREAS, Kavod Road was dedicated by the Town of New Hartford as a Town highway on March 6, 1991; and

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 13

WHEREAS, since said dedication, the Town has provided snow and ice control on said highway, and made no other improvements; and

WHEREAS, the road had been constructed and offered to the Town by the Charles T. Sitrin Home as a function of the Charles T. Sitrin Home's expansion of its facilities, and the existence of a need for a public road to accommodate service providers access to newly constructed residential and medical facilities; and

WHEREAS, the Charles T. Sitrin Home, in conjunction with said expansion, did construct said road, and did offer it to the Town; and

WHEREAS, on May 22, 2003, the Charles T. Sitrin Home did determine that said road is no longer needed to be a public highway; and

WHEREAS, on the same date, the Charles T. Sitrin Home did petition the Town to return said road to the Charles T. Sitrin Home, the Home owning contiguous property on all sides of the highway Rights of Way;

THEREFORE, BE IT RESOLVED that the Charles T. Sitrin Home has petitioned the Town of New Hartford to abandon Kavod Road, a highway in the Town's inventory and dedicated as a Town road on March 6, 1991; and

RESOLVED that the Town has reviewed the petition and the offered quit claim deed and requested the Highway Superintendent to investigate the matter; and

RESOLVED that the Highway Superintendent has done so and recommends to the Town Board that the Town reinforce the abandonment of said Kavod Road under Section 207 of the Highway Law, the metes and bounds of said road being attached and included as part of this Resolution; and be it

FURTHER RESOLVED that the Town Board, under the provisions of Section 207 of the Town Highway Law, does, through acceptance of the petition of the Charles T. Sitrin Home and through the acceptance of the quit claim deed filed with the Oneida County Clerk's Office, and the order so issued by the Town Highway Superintendent, hereby abandons said Kavod Road as a dedicated Highway and returns said road and highway Rights of Way to the Charles T. Sitrin Home.

The Supervisor requested a roll call vote that resulted as follows:

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

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 14

Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

Surplus Vehicles – Oneida County Auction

With the exception of the 1999 Ford Explorer, all authorized vehicles will be brought to the June 12, 2003 Oneida County auction; the Town Clerk’s Office received the Certificate of Origin for the Explorer from the Police Department on May 30 or June 2 and there is insufficient time to obtain the Certificate of Title necessary for the auction.

Request for Advisory Sign – “Children at Play”

The Highway Superintendent, who had received a request for a “Children at Play” sign on Homestead Road, recommended its installation because the specific area is in a new development section with long stretches of road; discussion ensued about sign pollution and the suggestion that a neighborhood petition be submitted for the advisory sign. No action was taken; the Highway Superintendent and Police Chief will perform an on-site inspection.

Competitive Bid Results - Bituminous Concrete Paving

On May 30, 2003 the Town received the following bids for the Bituminous Concrete Paving of Town Roads:

- Hanson Aggregates, Jamesville, NY 13078
Total Bid: **\$264,014.98**

- Ocuto Blacktop & Paving Co. Inc., Rome, NY 13440
Total Bid: **\$279,035.30**

- Barrett Paving Materials Inc., Washington Mills, NY 13479
Total Bid: **\$254,500.40**

Although he hadn’t heard from the Village of New Hartford or New York Mills relative to “piggy-backing” on the Town’s paving contract, the Highway Superintendent did not anticipate any issues with them and expected to have their concurrence by the June 18, 2003 Town Board meeting. Thereafter, it was the consensus of the Town Board for the Highway Superintendent to begin asking Barrett Paving, apparent low bidder, for their bonds and insurance with the expectation of accepting the low bid and awarding the contract at the next Board meeting.

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 15

SEQR – Lead Agency Status / Tibbitts & Snowden Hill Road Road Project

Upon presentation by the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 213 OF 2003)

WHEREAS, the Town of New Hartford, hereinafter referred to as the “Town”, is proposing to cause to be constructed a water distribution system to serve Town residents, businesses, and institutions; and

WHEREAS, the Town of New Hartford Town Board must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder; and

WHEREAS, the involved agencies [as that term is defined in 6(A-2) NYCRR 617.2(s)] include the New York State Department of Health and the New York State Department of Environmental Conservation, and the required environmental review will be conducted solely by the Town Board of New Hartford; and

WHEREAS, the Town Board of New Hartford desires to serve and act as the lead agency for the purposes of SEQR; and

WHEREAS, to aid the Town Board of New Hartford in determining whether the Action may have a significant impact on the environment, a Full Environmental Assessment Form dated June 4, 2003 has been prepared by the Town and a copy of which has been filed with the Town Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of New Hartford that: The Town Board of New Hartford makes the following findings and determinations with respect to the proposed project:

- The project constitutes a “**Type I Action**” as that term is defined in Section 6(A-2) NYCRR Section 617.2(kk) and 617.11;
- The Town Board of New Hartford desires to serve as lead agency for the purposes of SEQR
- The Town Clerk shall cause the New York State Department of Environmental Conservation, New York State Department of Health and the Upper Mohawk

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 16

Valley Regional Water Board, as the other “involved agency” to be notified of this Resolution.

- This Resolution shall take effect immediately.

The Supervisor then polled the 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.

Proposed Higby Road Water Project – Land Appraisal

The Highway Superintendent and Councilman Waszkiewicz have met with Burley-Guminiak on the proposed Higby Road water project; to date, one (1) parcel of land has been identified upon which the water tower can be sited and that parcel is in the Town of Frankfort. An acre of land is needed to site the tank and he advised that before an option agreement is offered, an appraisal should be obtained. After some discussion, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 214 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to negotiate the best price with realtor Ronald Campion for the appraisal of five (5) parcels and in no event, to exceed the total cost of Fifteen Hundred Dollars (\$1500); said appraisal relating to the location of a water tank for the proposed Higby Road water project.

The Town Board members voted upon roll call:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 17

Proposed Sewers – (Old) Paris Road

Highway/Sewer Superintendent Cleveland stated that after the Town Board denied the (Old) Paris Road residents' petition for a sewer extension at a 75/25% cost, the Oneida County Health Department informed Thomas Fiorentino, 197 Paris Road, that he would have to construct an on-site sewer treatment system or connect to the public sewer system. Mr. Fiorentino, who was present, expressed his desire to connect to the existing sanitary sewer on Paris Road. The Highway Superintendent had reviewed with Attorney Rossi the best agreement to enter into for use of the public right-of-way, after which Attorney Rossi had drafted a License Agreement that had been reviewed by Mr. Fiorentino. The License Agreement would require the Fiorentinos to contribute a sewer tax as if their property were in the Consolidated Sewer District, as done with other properties. A License Agreement can be revoked if there is a public need. Dialogue ensued between the Town Supervisor and Attorney Rossi relative to several possible scenarios. Thereafter, Councilman Butler introduced the following Resolution for adoption and Councilman Backman seconded same:

(RESOLUTION NO. 215 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 License Agreement between said Town and Thomas Fiorentino, 197 Paris Road, New Hartford, wherein the Fiorentinos will be allowed to install a sewer lateral from their 197 Paris Road property to a point where the existing Consolidated Sewer District ends, subject to the terms and conditions set forth in said License Agreement written by the Attorney for the Town.

The foregoing Resolution was voted upon by roll call and 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.

Proposed Purchase – Pick-up Truck

Highway Superintendent Cleveland, who had budgeted funds in 2003 to replace his Deputy's 2000 truck [also used for plowing and has 70,000+ miles], requested permission to continue investigating State Contract pricing for a replacement truck versus local dealership costs of an in-stock vehicle. It was the Board's consensus that the Highway Superintendent report back with trade-in figures on the 2000 vehicle.

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 18

TOWN CLERK:

4th of July Fireworks Display

The Town Clerk had received an application for a Fireworks Display Permit from the Yahnundasis Golf Club and had submitted copies of the application to the Police Chief and Codes Enforcement Office for their review and recommendation; while the Codes Office responded affirmatively, a response has not been received from the Police Chief. The following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 216 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to the *Yahnundasis Golf Club* a *Fireworks Display Permit* for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford, NY at dusk, 9:30 P.M. to 10:00 P.M., in accordance with the State Penal Law and regulations set forth in said Permit; **contingent, however, upon the satisfactory review to be received from the Police Chief.**

The Supervisor polled the Board members who voted as follows:

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

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

Assembly Bill #A6843-A/Senate Bill #S3709-A – Police District

Supervisor Humphreys had received from Assemblyman Townsend the Home Rule documents for Assembly Bill #A6843-A, Senate Bill #S3709-A and the Memorandum in Support of Legislation, relative to amending Town Law to allow the Town of New Hartford to create a police district. After some discussion, it was the Board's consensus to amend both Bills so that the word "treasurer" is replaced with "chief fiscal officer" throughout the legislation; further, it came to light that the Police Commission might have a question on a portion of the proposed Bills and Councilman Butler recommended that the matter be held in abeyance until Attorney Rossi meets with the Police Commission at their June 2003 meeting. Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Woodland:

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 19

(PROPOSED RESOLUTION)Defeated***

RESOLVED that, pursuant to Article IX of the Constitution, the Town of New Hartford does hereby request the enactment of State Assembly Bill No. A6843-A and State Senate Bill No. S3709-A entitled "AN ACT to allow the Town of New Hartford to create a police district"; and be it

FURTHER RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor, in behalf of the Town Board, to execute the applicable HOME RULE REQUEST forms for submission to the New York State Legislature.

Upon roll call, the Town Board members voted as follows:

Councilman Waszkiewicz	-	Nay, because he preferred to wait until the Attorney met with the Police Commission for their opinion
Councilman Woodland	-	Aye
Councilman Butler	-	Nay, because he preferred to wait until the Attorney met with the Police Commission for their opinion
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

Because the request of the local legislative body requires at least two-thirds (2/3rds) of the total membership thereof having voted in favor, the proposed Resolution was *declared not carried* and duly **DEFEATED**.

MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agreement for Grant Writer Services

Upon recommendation of the Bookkeeper, the following Resolution was offered for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 217 OF 2003)

WHEREAS, on April 16, 2003 the Town Board adopted Resolution No. 151 for grant writing services contingent upon confirmation of the appropriate account numbers from which expenses would be paid;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the following 2003 Budgetary revisions:

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 20

<u>Action</u>	<u>Account No./Description</u>	<u>Amount</u>
Increase	A1315.44 Grant Writer/Contr.	\$8,000
Decrease	A1990.4 Contingent Account	\$8,000.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

Agenda items

- ASR System Group, Inc. – Bob Dudley hasn't been in touch with the Town Clerk but will be, as well as with the Planner and Police
- Posting of sign notification for Zoning variance/change – Councilman Waszkiewicz will discuss this with Zoning Board Chairman Gerald Green
- Subdivisions – recreation area/% of green space - Councilman Waszkiewicz will meet on June 9, 2003 with the Planner, Highway Superintendent and Planning Board relative to enacting the 5% green space requirement
- Sewer extension criteria – Councilman Waszkiewicz and Highway Superintendent continue to work on this
- The approved press release was sent to the Observer Dispatch on May 30 relative to the Zoning Board of Appeals' vacancies
- The Parks and Recreation Director will meet on June 12, 2003 with the Utica Parks Department and the Oneida County Youth Bureau to formulate passive recreation plans for the Southern Reservoir. The Upper Mohawk Valley Regional Water Board comment was to proceed with caution.
- Town Supervisor and Councilman Waszkiewicz to discuss annexation (New York Mills) the week of June 9th
- Property maintenance – 5 Coxe Ave; the Codes Enforcement Officer is taking care of
- Confirmation map amendments from Herkimer-Oneida County Economic Development Zone Board – Councilman Waszkiewicz will give to the Town Clerk.

COUNCILMAN BACKMAN:

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 21

Upgrade Payroll Software

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

(RESOLUTION NO. 218 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize the upgrade of the Town's payroll software by purchasing the PACE 4.0 software for the AS/400 computer hardware at a not-to-exceed cost of Forty-eight Hundred Dollars (\$4800), together with a maintenance agreement totaling Six Hundred Twenty-four Dollars (\$624), for a grand total of Fifty-four Hundred Twenty-four Dollars (\$5424)

The Supervisor polled the 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.

COUNCILMAN WOODLAND:

Pending Matters

Councilman Woodland would like to resolve the following matters at the June 18, 2003 Town Board meeting:

- "Children at Play" sign for Homestead Road
- parking problem on Helen Ave; Police Chief performing on-site inspection
- Adelpia's removal of "old" cable wires on utility poles – Attorney following up.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 219 OF 2003)

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 22

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. 18	\$ 64,348.68
General Fund, Part-Town Abstract No. 16	\$ 20,409.44
Highway Fund, Whole-Town Abstract No. 1	\$162,759.51
Highway Fund, Part-Town Abstract No. 13	\$ 28,391.58
Sewer Fund Abstract No. 9	\$100,182.47
Salt Storage Barn Abstract No. 2	\$ 343.60
Drainage Abstract No. 7	\$ <u>62.80</u>
TOTAL:	<u>\$376,498.08</u>

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.

Traffic Lights

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

(RESOLUTION NO. 220 OF 2003)

RESOLVED that the New Hartford Town Board does hereby approve the voucher from Conservation Station, Inc., Califon, NJ, in the amount of Twenty-seven Hundred Forty-six Dollars and Seventy Cents (\$2746.70) for the purchase of twenty-eight (38) traffic lights – LEDS by the Highway Department.

The Board members then voted individually as follows:

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

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 23

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

Dispatchers Benevolent Association (DBA) – Request for Representation by Clerical Workers

Supervisor Humphreys reviewed a letter from Attorney Peter Jones of BOND, SCHOENECK & KING, advising the Town that the three (3) clerical employees in the Police Department have signed union authorization cards indicating that they wish to be represented by the DBA for purposes of collective bargaining and that the DBA wishes to represent these three (3) employees. After some discussion, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 221 OF 2003)

RESOLVED that, based upon the recommendation of BOND, SCHOENECK & KING, PLLC, the Town of New Hartford, based upon a check of union authorization cards by the Public Employment Relations Board, hereby recognizes the New Hartford Central Dispatchers Benevolent Association, Inc., as the bargaining representative for the following bargaining unit of employees: the three (3) full-time clerical employees of the Town of New Hartford Police Department only and excluding any part-time, temporary, casual, and seasonal employees of said Town of New Hartford Police Department, as well as the employees in any other department(s) of the Town of New Hartford.

The foregoing Resolution was subject to a vote upon roll call:

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

Resolution No. 221 was declared unanimously carried and duly adopted.

Retirees' Dental Insurance – George Peck and Wife

After due deliberation, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 222 OF 2003)

WHEREAS, George Peck had retired in the late 1980's as Police Chief and, as part of his retirement package, the Town had paid for dental insurance for Mr. Peck and his wife; and

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 24

WHEREAS, effective June 30, 2003, the Town of New Hartford will no longer be able to purchase and provide dental insurance for persons over the age of sixty-five (65);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby grant permission to the Town Supervisor to negotiate a dental package with Mr. and Mrs. Peck *not to exceed Five Hundred Forty Dollars (\$540) a year each* for the remainder of their individual lives, or a one-time, lump sum payment of Five Thousand Dollars (\$5,000) for both Mr. and Mrs. Peck.

The Supervisor polled the 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.

Retirees' Dental Insurance – James Roselli

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

(RESOLUTION NO. 223 OF 2003)

WHEREAS, James Roselli had retired in 1987 as Sewer Superintendent and, as part of his retirement package, the Town had paid for dental insurance for Mr. Roselli; and

WHEREAS, effective June 30, 2003, the Town of New Hartford will no longer be able to purchase and provide dental insurance for persons over the age of sixty-five (65);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby grant permission to the Town Supervisor to negotiate a dental package with Mr. Roselli *not to exceed Thirty-two Dollars (\$32) a month* for three (3) years, or a one-time, lump sum payment of Five Dollars (\$500).

A roll call vote was duly held as follows:

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

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 25

Supervisor Humphreys - Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

EXECUTIVE SESSION

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

(RESOLUTION NO. 224 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss police union contract negotiations, the acquisition of real property and a possible lawsuit against the Town by the Galligano's.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. Other than Attorney Rossi, all persons present, including the news media, were then excused from the meeting at 11:04 P.M.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 225 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.

REGULAR TOWN BOARD MEETING

June 4, 2003

Page 26

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 11:47 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Woodland and seconded by Councilman Backman, the meeting was adjourned at 11:48 P.M.

Respectfully Submitted,

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