

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE COMMUNITY CENTER BUILDING,
KELLOGG ROAD, IN SAID TOWN, ON WEDNESDAY,
FEBRUARY 20, 2002 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

TOWN BOARD MEMBERS: Councilman Donald C. Backman
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

ABSENT: Councilman John C. Waszkiewicz III

OTHER TOWN OFFICIALS: Assessor Paul Smith (Arrived at 8:10 P.M.)
Director of Senior Services M. Eileen Spellman
Dispatch Supervisor Jeffrey Madden (Arrived
at 7:30 P.M.)
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael Jeffery
Personnel Assistant Barbara Aiello
Police Chief Raymond Philo (Arrived at 7:10 P.M.)
Deputy Town Clerk I Margaret M. Jones and
Deputy Town Clerk II Sarah A. Long

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who was on vacation out of state, the Deputies Town Clerk were present to record the minutes.

MINUTES APPROVAL

After reviewing minutes received, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Backman :

(RESOLUTION NO. 84 OF 2002)

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

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

After reviewing minutes received, the following Resolution was introduced for adoption by Councilman Backman; seconded by Councilman Woodland:

(RESOLUTION NO. 85 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board Meeting held on **January 29, 2002** and does further waive the reading of the same.

Upon roll call, the Town Board voted as follows:

(Councilman Waszkiewicz - ABSENT)
Councilman Woodland - Aye
Councilman Butler - ABSTAINED, because he
was absent from that meeting
Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was carried and duly adopted.

After reviewing minutes received and clarifying the Town Supervisor's question on funding for the Leaf Vacuum Machines, the following Resolution was introduced for adoption by Councilman Backman; seconded by Councilman Butler:

(RESOLUTION NO. 86 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held on **February 6, 2002** and does further waive the reading of the same.

Upon roll call, the Town Board voted as follows:

(Councilman Waszkiewicz - ABSENT)
Councilman Woodland - Aye

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

The Resolution was declared unanimously carried and duly adopted.

PUBLIC PRESENTATIONS

LIGHTING, TRASH, BUFFER ZONE CODES

Shirley Riggles of 18 Golf Avenue, New Hartford, believed that the commercial buildings in the vicinity of her home do not comply with codes as far as lighting, trash and a buffer zone and she inquired if the Town intended to enforce regulations regarding codes. Councilman Backman responded regarding Codes that relate to her area. Councilman Backman agreed about a mandatory buffer zone for the Wedgewood Apartments and commented that regulations should not be project-by-project.

In response to Supervisor Humphreys' question, Ms. Riggles stated that when she researched the files and permits, the early map showed the area was heavily treed, and also there was no lighting at that time. Ms. Riggles stated that she had read in the newspaper that New York State is considering "nuisance" lighting regulations. Supervisor Humphreys asked if Ms. Riggles would provide copies of other municipalities' rules and regulations on lighting and then contact him.

REPORTS OF TOWN OFFICIALS

ASSESSOR:

Annual Re-Assessment Update

Assessor Paul Smith reported approximately sixteen hundred (1600) parcels will be re-assessed this year and values will be ready to review within a month. The Assessor explained further that very few Building Permits fall within the area being assessed this year. He suggested that if the Town Board intends to have community meetings, the meetings should be scheduled from mid- to late April and held before the assessment values are mailed to the property owners so that the people will have an understanding of how the re-assessment process is done.

Councilmen Backman and Butler complimented the Assessor on the job of re-assessment that he had completed in 2001, which allowed the Town to be eligible for State maintenance in the amount of Forty-four Thousand Seven Hundred Ninety Dollars (\$44,790). The benefits of an annual re-assessment goes beyond money and Assessor Smith noted that the Town has had success defending their property values:

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- One (1) case has been dropped
- Two (2) settlements were in the Town's favor
- Grievances have decreased.

The Town Supervisor stated that he attended the Court hearing regarding the New Hartford Shopping Center certiorari on Friday, February 15, 2002; the Attorney (William Ryan) for the New Hartford Central School is also representing the Town. The Assessor agreed that it was a good idea to have the School's special counsel to represent the Town in the New Hartford Shopping Center certiorari.

The Town Supervisor announced that a Special Town Board Meeting would be held on Monday, February 25, 2002 at 4:30 P.M. in the Supervisor's Office to review with New Hartford Central School officials the legal strategy regarding existing Certioraris and the Supervisor asked the Assessor to attend.

DIRECTOR OF SENIOR SERVICES:

Budgetary Transfer

Director of Senior Services M. Eileen Spellman requested that One Hundred Fifteen Dollars (\$115.) of unused 2001 funding for motorcoach transportation be transferred to the 2002 Budget for motorcoach transportation for the senior citizen activities. This balance occurred when one of the planned trips for the seniors was cancelled.

After Town Board discussion involving whether 2001 monies can be transferred to another budget year and whether the Director of Senior Services expected the various senior citizen groups to use up their present appropriations for trips, the consensus of the Town Board was that the Director of Senior Services would re-address this matter later during the year if and when these funds should be needed. At the same time, the Town Board will research the 2002 Annual Budget with due diligence to find the necessary funds should they be needed for motorcoach transportation for senior citizen activities.

St. Patrick's Day Celebration

The Director of Senior Services, M. Eileen Spellman extended an invitation to the members of the Board to the Center for their annual St. Patrick's Day Party, which will be held on March 14, 2002.

HIGHWAY SUPERINTENDENT:

Agreement – Stormwater Management Consultant Services

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

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(RESOLUTION NO. 87 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an **Agreement** with Alan M. Swierczek, P.E., for **consultant engineering services** and site plan review of stormwater management facilities as same relates to the proposed **J. C. Penney expansion** at the **Sangertown Square Mall**, Seneca Turnpike, New Hartford. The cost of consultant services shall be borne by The Pyramid Company, owner of the Sangertown Square Mall.

The Town Supervisor inquired if the Mall is utilizing the ponds on-site; the Highway Superintendent explained that he is attempting to ensure that the Mall is maximizing stormwater management facilities to the greatest extent because it may be a long time before there would be some expansion project at Sangertown Square Mall and another opportunity to address stormwater management at this site. Thereafter, the Town Board voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

Competitive Bid for Vehicles/Machinery

Highway Superintendent Roger Cleveland presented an equipment list and sought permission to seek competitive bids. The Highway Superintendent stated that all equipment authorized will be incorporated into one Legal Notice for publication purposes and that his Department will prepare separate Bid Specification packages for each piece of equipment bid. The John Deere Loader is available for purchase on State Contract and is exempt from competitive bid. After discussion and questions by Board members, the following Resolution was offered for adoption by Councilman Butler and duly seconded by Councilman Backman:

(RESOLUTION NO. 88 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford shall receive sealed bids for the purchase of the following vehicles/equipment, in accordance with Town specifications:

- One (1) Dump Truck with Plow and Stainless Steel Sander
- Three (3) Stainless Steel Sanders

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- One (1) Small Dump Truck

All bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Friday, March 15, 2002 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 does hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement – Invitation to Bid in The Observer Dispatch.

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Traffic Signal Light

Highway Superintendent Cleveland apprised the Board that the traffic signal light that was at the Middlesettlement Road-Clinton Street intersection was, in fact, the Town’s and that the light had been taken down during Oneida County’s reconstruction of that intersection and was now available to use as the Town saw fit. The light might possibly have some application at the Weston-Chapman Road intersection – not as a traffic signal – but to utilize its components (i.e., poles and signal heads) and perhaps not be required to purchase much equipment.

Discussion ensued after which the Highway Superintendent stated he would communicate with New Hartford Central School officials since Weston Road is used by the School District buses, the mechanism regulating the light, and funding. The Highway Superintendent will give a report at the March 6, 2002 Town Board meeting.

Curbside Collection Policy – Amended/Final Version

The Highway Superintendent requested that the Curbside Collection Policy, adopted on February 6, 2002 and subject to review by Attorney for the Town, Vincent J. Rossi, Jr., be amended with respect to the Paragraph entitled “Construction and Demolition Debris.

In response to a Board member question, the Highway Superintendent confirmed the Town will not pick up paint cans, either full, partially full or empty, in accordance with recommendations of the Oneida-Herkimer Counties Solid Waste Authority.

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Homeowners have the option of disposing paint cans at the Solid Waste Authority site; this information is included in the Curbside Collection brochure mailed to Town residents.

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

(RESOLUTION NO. 89 OF 2002)

WHEREAS, the Town's annual Curbside Collection Program has been in existence for about fifteen (15) years; and

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

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

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

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

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

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

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<u>ITEM</u>	<u>Single Family Residence</u>	<u>Multiple Family Residences</u>
<i>Major Appliances</i>		
Stove	One (1)	Two (2)
Refrigerator	One (1)	Two (2)
Water Heater	One (1)	Two (2)
Washer	One (1)	Two (2)
Dryer	One (1)	Two (2)
Television	One (1)	Two (2)
Computer Monitor and Components	One (1)	Two (2)
Window Air Conditioner	One (1)	Two (2)
 <i>Furniture</i>		
Sofa	One (1)	Two (2)
Chairs	Four (4)	Eight (8)
Bed	One (1)	Two (2)
Box springs and mattresses	One (1)	Two (2)
Tables	One (1)	Two (2)
Dressers	One (1)	Two (2)
Carpets	One (1)	Two (2)
 <i>Metals</i>		
Shed (small)	One (1)	Two (2)
Storm window frames (no glass)		
Screens		
Cabinets	One (1)	Two (2)
Metal fencing (no wood)		
Outdoor furniture		
- Table	One (1)	Two (2)
- Chairs	Four (4)	Eight (8)
Outdoor Grill (without propane tank)	One (1)	Two (2)
 <i>Plastic</i>		
Children's toys (without batteries)		
Outdoor furniture		
- Table	One (1)	Two (2)
- Chairs	Four (4)	Eight (8)
 <i>Tires (un-mounted)</i>	Four (4)	Eight (8)

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Construction and Demolition Debris (not to exceed in total, one [1] cubic yard of materials, which SHALL be containerized in up to three [3] garbage cans or containerized by using multiple cardboard boxes, wherein the Town is not liable for any damage to the containers, and the cardboard boxes shall be emptied and left for the property owner to dispose of through the recycling program of their private hauler.)

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

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

D. Construction and Demolition materials may be disposed of with the Town at the Town's dumpster collection, scheduled for a minimum of once per year, and for a fee as determined by the Town Board.

E. Homeowners are encouraged to contact the Oneida-Herkimer Solid Waste Authority, which has facilities and programs for all other non-eligible waste noted above.

The Resolution was voted upon by roll call as follows:

(Councilman Waszkiewicz	-	ABSENT)
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted. Vincent Rossi, Jr., Attorney for the Town, suggested that the Curbside Collection Policy be forward to the NYS Department of Environmental Conservation for their comments; the Highway Superintendent will forward a copy to this State agency.

Waterford Heights - Swale

Highway Superintendent Cleveland reported that David Zumpano, developer of Waterford Heights, had responded to the Town's Resolution adopted January 16, 2002 and written communication of January 18, 2002 and has completed the swale. Senior Engineering Technician John Meagher has inspected the swale, which appears fine.

Agreement – Engineering Services for Sewer Pump Station

Highway Superintendent Cleveland has received three (3) quotes for the engineering services for reconstructing the oldest sewer pump station, due to its deteriorated condition and the increasing number of repair bills. Upon recommendation of the Highway Superintendent, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 90 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with **Clough, Harbour & Associates** to provide engineering services relating to the **reconstruction of the Applewood Sewer Pump Station**, at a cost not to exceed Eighteen Thousand Nine Hundred Dollars (\$18,900).

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

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

The Resolution was declared unanimously carried and duly adopted.

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PARKS AND RECREATION DIRECTOR:

Public Opinion Questionnaire/Mailing

Parks and Recreation Director Michael Jeffery received approval of the content for the questionnaire to be mailed to Town residents concerning parks and recreation facilities. Discussion included the low response rate in past years and the possibility of combining the Curbside Collection mailing with the Parks and Recreation questionnaire. Director Jeffery stated that the cost of the mailing is approximately Thirty-One Hundred Dollars (\$3100) and he would prefer a separate mailing for this project.

Upon recommendation of Parks and Recreation Director Michael Jeffery, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 91 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission for the Parks and Recreation Director Michael Jeffery to prepare and to mail a town-wide public opinion questionnaire which was presented and approved, with the addition of the Parks and Recreation Department telephone number for persons having questions.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Donovan Memorial Park playground renovations

The Parks and Recreation Director Michael Jeffery reported that a playground safety audit has been completed on the Town's parks and playgrounds. The Donovan Memorial Park needs to be reconstructed and there are major concerns for safety at this Park. Copies of the audit were sent to the Town Board Members and the original is on file in the Parks and Recreation Department. The Board discussed removal of the unsafe equipment, the void created in that part of the community, and possible grant funding to replace the equipment. The unsafe equipment will be scraped. Upon recommendation of the Parks and Recreation Director, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Butler:

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(RESOLUTION NO. 92 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Michael Jeffery, Director of Parks and Recreation to coordinate with the Highway Department the removal of all hazardous and unsafe playground equipment from the Donovan Memorial Park within thirty (30) days of this Resolution.

The Supervisor polled the Board members as follows:

(Councilman Waszkiewicz	-	Absent)
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

2001 Budgetary Transfer

The Director of Parks and Recreation requested that the balance of Two Thousand One Hundred Two Dollars (\$2,102) in the Donation Account from the 2001 Budget be transferred to the 2002 Budget. This donation account was to be used for a scoreboard at the Washington Mills Athletic Park. Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland;

(RESOLUTION NO. 93 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize that unexpended funds for the scoreboard at the Washington Mills Athletic Park in the 2001 Budget totaling Two Thousand One Hundred Two Dollars (\$2,102.) be transferred from the Parks and Recreation Department Account Number A2705.3 to the 2002 Budgets for the Parks and Recreation Department Account Number A2705.3.

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

The Resolution was declared unanimously carried and duly adopted.

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PERSONNEL ASSISTANT:

Civil Service Status – Particular Employee

Personnel Assistant Barbara Aiello presented the matter of Civil Service status of a particular employee. The Town Supervisor explained the matter to Attorney Rossi who recommended that this matter be discussed in Executive Session.

DEPUTY TOWN CLERK:

Zone Map Amendment Application – Charles T. Sitrin Health Care Center, Inc.

After having received the necessary information regarding the Zone Map Amendment application for the Charles Sitrin Healthcare, Councilman Backman introduced the following legislation for the Town Board's action at a future public hearing; co-sponsored by Councilman Woodland:

Town of New Hartford, NY
Local Law Introductory No. One of 2002

A Local Law to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property fronting Higby Road, a description of which is set forth in Section 2, and changing the designation of property from RA-2 (Residential Agricultural) and LDR (Low Density Residential) to PDI (Planned Development Institutional).

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, Section 118-8, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-8. Zoning Map

(change the designation of approximately 208.8 acres, identified as Tax Map Parcels No. 340.000-2-21 and No. 340.000-2-22, owned by the Charles T. Sitrin Health Care Center, Inc., from RA-2 [Residential Agricultural] and LDR [Low Density Residential] to PDI [Planned Development Institutional].)

Section 2. The boundaries and description of said district are as follows:

PARCEL I:

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ALL THAT PIECE, PARCEL OR TRACT OF LAND situate in the Town of New Hartford, County of Oneida and State of New York as delineated on a "Map showing property of Floyd E. Wadsworth Estate in the town of New Hartford, N.Y. made Nov. 2, 1970 by Merritt and La Bella, professional engineer and Land Surveyors" and filed in the Oneida County Clerk's Office, bounded and described as follows, to wit: Beginning at the point of intersection of the northeasterly line of Higby Road with the northwesterly line of land conveyed by Sherman Hills, Inc. to William B. Dickson by deed dated August 28, 1936 and recorded in the Oneida County Clerk's Office in Liber 961 of Deeds at page 295; running thence N. 52 deg. 43' 40" W along the northeasterly line of Higby Road 263.41 feet to an angle point; thence N 48 deg. 50' 06" W along the northeasterly line of Higby Road as conveyed by Floyd Wadsworth to the County of Oneida by deed dated Oct. 22, 1938 and recorded in the Oneida County Clerk's Office in Liber 988 of Deeds and page 318 a distance of 359.98 feet to the most southerly corner of land conveyed by Floyd E. Wadsworth to the Board of Water Supply of the City of Utica by Deed dated Nov. 18, 1966 and recorded in the Oneida County Clerk's Office in Liber 1850 of Deeds at page 571; thence N. 41 deg. 49' 38" E along the southeasterly line of land of said Board of Water Supply 200 feet to a point; thence N 48 deg. 56' 40" W along the northeasterly line of land of said Board of Water Supply 150 feet to a point; thence S 41 deg. 49' 38" W along the northwesterly line of land of said Board of Water Supply 198.36 feet to a point in the northeasterly line of Higby Road as conveyed by Floyd Wadsworth to the County of Oneida by deed as above mentioned; thence N 46 deg. 52' 22" W along last mentioned line 316.09 feet to a point; thence S 52 deg. 43' 19" W along said last mentioned line 5.0 feet to a point; thence N 37 deg. 16' 41" W along the northeasterly line of Higby Road 1171.21 feet to a point; thence N 42 deg. 50' 16" E along the northwesterly line of land conveyed by Nehemiah Ensworth to Franklin Wadsworth by deed dated Nov. 17, 1884 and recorded in the Oneida County Clerk's Office in Liber 38 of Deeds at page 317 a distance of 2999.93 feet to a point in the southerly line of Cosby's Manor and said line also being the southerly line of land now or formerly George A. Roberts; thence S 46 deg. 25' 13" E along said last mentioned line 2267.12 feet to a point; thence S 43 deg. 17' 00" W along the northwesterly line of land of now or formerly the Chester Sitrin Nursing Home, Howard Seld, and William B. Dickson 3129.30 feet to the point of beginning, containing 161.309 Acres of land be the same more or less and lying northeasterly of Higby Road.

PARCEL II:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Hartford, Oneida County, New York, described as follows: BEGINNING at the southwest corner of the premises owned by Charles E. Roberts in said Town of New Hartford on the division line between said Roberts and Charles Roth; running thence

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easterly on a straight line along the southerly boundary line of said premises to the southeast corner of the premises hereby conveyed to a point; thence northerly on a division line between the premises hereby conveyed and the premises of John W. Roberts to the northeast corner of the premises hereby conveyed to the premises of Jennie Roberts; thence westerly on a line to a point; thence northerly to the northeast corner of the premises hereby conveyed and to the division line between the premises hereby conveyed and the premises of Charles Roth; thence westerly to the westerly line of the premises hereby conveyed and the premises of Charles Roth; thence southerly in a straight line along the division line, being the westerly line of the premises hereby conveyed and the premises of Charles Roth, now or formerly; thence in a southerly direction to the point or place of beginning, containing forty acres of land to be same more or less.

The above described premises are also more particularly described as follows: ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Hartford, Oneida County, New York, beginning at the southwest corner of the premises now or formerly owned by Charles E. Roberts in the Town of New Hartford, on the division line between said Roberts and premises now or formerly owned by Charles Roth; running thence S. 54 deg. E. 985.48 feet to a point; thence N. 35 deg. E. 792 feet to a point; thence N. 54 deg. E 105.6 feet to a point; thence N. 12 deg. E. 1069.2 feet to a point; thence N. 54 deg. W. 221.76 feet to a point; thence N. 36 deg. E 640.65 feet to a point; thence N. 54 deg. W. 378.54 feet to a point; thence S. 37 deg. W. 2409.66 feet to the point or place of beginning.

SECTION 3. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Thereafter, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION 94 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, March 20, 2002 at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Community Center Building, Kellogg Road in said Town to consider **Local Law Introductory No. One of 2002** which, if adopted, would amend the Code, Chapter 118 thereof entitled **ZONING**, and map coincidental thereto, as it pertains to land fronting Higby Road and owned by the **Charles T. Sitrin Health Care**

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Center, Inc., by changing the designation of 208.8 acres from RA-2 (Residential Agricultural) and LDR (Low Density Residential) to PDI (Planned Development Institutional); and be it

FURTHER RESOLVED that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

DISPATCH CENTER, DEDICATION OF

Councilman Butler presented the possible dedication of the Dispatch Center, which he had discussed with Dispatch Supervisor Jeffrey Madden and Dispatch Center Committee who supported this idea. The recommendation was to name the Dispatch Center in honor of James Turnbull, former Chairman of the Dispatch Center Committee, for all he'd done for the dispatch center and for the Town of New Hartford. Dispatch Supervisor Madden will report at the March 6, 2002 Town Board meeting regarding the type, style and cost of a plaque.

Upon the recommendation of the Dispatch Center Committee, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 95 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford hereby agrees to dedicate and name the Dispatch Center located within the Jerome Madden Justice Building as the **“James B. Turnbull III Communication Center”**.

FURTHER RESOLVED that a plaque will be placed in the Center so acknowledging the name of the Dispatch Center.

A roll call vote ensued:

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

The Resolution was declared carried and duly adopted.

MATTERS SUBMITTED BY TOWN SUPERVISOR

AUDIT OF VOUCHERS

The vouchers were presented for audit during which Councilmen raised questions on a couple of the invoices. Thereafter, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 96 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 3/2002	\$ 25,159.72
General Fund, Whole-Town Abstract No. 4/2002	\$ 68,671.11
General Fund, Whole-Town Abstract No. 5/2002	\$ 2,676.91
General Fund, Part-Town Abstract No. 3/2002	\$ 19,635.96
General Fund, Part-Town Abstract No. 4/2002	\$ 700.91
General Fund, Part-Town Abstract No. 5/2002	\$ 2,671.47
Highway Fund Part-Town Abstract No. 3/2002	\$ 92,965.00
Highway Fund Part-Town Abstract No. 4/2002	\$ 18.21
Highway Fund Part-Town Abstract No. 5/2002	\$ 76,595.08
Street Light Abstract No. 3/2002	\$ 8,283.18
Sewer Fund Abstract No. 3/2002	\$ 1,653.16
Sewer Fund Abstract No. 4/2002	\$ 5,475.41
TOTAL:	\$304,506.12

The Resolution was voted upon by roll call as follows:

(Councilman Waszkiewicz	-	ABSENT)
Councilman Woodland	-	ABSTAINED, as he had not
had an opportunity to review the invoices		
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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The Resolution was declared carried and duly adopted.

MISCELLANEOUS COMMUNICATIONS

Supervisor Humphreys asked the Councilmen if they had read the letter, which is to be sent to the residents of the South Woods Lighting District. All the Councilmen are happy with it, but Councilman Butler feels that the letters should be personalized. By a general consensus of the Board Members, the letter was approved to be sent with the change that the letters be personalized.

EXECUTIVE SESSION

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

(RESOLUTION NO. 97 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the termination of a particular employee in accordance with NYS Civil Service rules and regulations and to discuss a public improvement lien.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 9:05 P.M. Deputy Town Clerk Jones and Deputy Town Clerk Long were asked to remain for the Executive Session; at 9:30 P.M. the Deputies Town Clerk were excused from the Executive Session.

[NOTE: The following transcript was provided by Councilman Woodland.]

END OF EXECUTIVE SESSION

Councilman Woodland then offered the following Resolution for adoption and Councilman Butler seconded same.

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(RESOLUTION NO. 98 OF 2002)

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, which resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:06 P.M.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 10:07 P.M.

Respectfully submitted,

Margaret M. Jones
Deputy Town Clerk I