

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING IN SAID TOWN ON WEDNESDAY,
MAY 1, 2002 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. 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
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael W. Jeffery
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Sarah A. Long

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

MINUTES

A consensus was formed to defer action on the March 28th, April 3rd and April 17th, 2002 minutes until the May 15, 2002 Town Board meeting.

PUBLIC PRESENTATIONS

ONEIDA COUNTY SHERIFF MIDDAUGH:

Work Offender Program

Sheriff Middaugh commented on how well his Department and the New Hartford Police Department were working together and the mutual cooperation that is added from the great service Police Chief Ray Philo provides. Sheriff Middaugh has offered the Town services of the Work Offender Program that consists of persons who are required to perform community service. Types of work offered can include, but not be limited to:

- cleaning ditches
- cleaning roads/road shoulders
- painting public buildings
- groundskeeping

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This program is offered only to non-profit type organizations such as municipalities, churches, cemeteries and the like. Highway Superintendent Roger Cleveland and his deputy are aware of these types of programs; Sheriff Middaugh replied yes when asked by Councilman Woodland if the Town has ever used this program. Sheriff Middaugh said that if the Town would like to take advantage of the Work Offender Program to then just submit a letter to him.

Oneida County Drug Task Force

Sheriff Middaugh thanked the Police Chief for the contribution his Department gave towards the County Drug Task Force. The added support from the New Hartford Police Department took many drug dealers out of business and kept the drug trafficking down, which made a significant dent in their operation.

D.A.R.E. Program

Councilman Butler commented that due to lack of manpower the DARE program has not been completed and wondered when the program would be re-instituted? Captain Rich Antanavige says that the program will resume in September and that they expect to have four DARE officers in during that time.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Volunteer Luncheon

Director of Senior Services M. Eileen Spellman mentioned the Thank You Event for the volunteers on Thursday, May 16, 2002 starting at 11:30 A.M. in the New Hartford Adult Dining and Activity Center and she invited the Town Board to attend.

Law Day

On May 9, 2002 Attorney Paul Lupia will make a presentation at the Adult Dining and Activity Center on health care proxies, power of attorney and living wills.

Roof Repairs & Lease - New Hartford Adult Dining and Activity Center

Councilman Waszkiewicz had received a copy of a Memo to the Director of Senior Services from St. John the Evangelist Church Trustee John Grygiel who has approached the Diocesan Building Committee about **re-roofing** the building. Trustee Grygiel mentioned that re-roofing may cause a “..distraction to utilization of the building by its tenants on both floors.”

Councilman Waszkiewicz stated that the Town’s **Lease** for this premises expires on December 31, 2006 and the Town pays about \$24,000 yearly for 5400 square feet of space.

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ASSESSOR:

Annual Reassessment - Update

Assessor Paul Smith, accompanied by Appraisal Consultant Mike Maxwell, stated that the re-assessment plan is on schedule except for a couple snags with the State who said they would stay with us and offer their input. The Assessor briefed the Town Board on some plan changes involving larger and newer homes being placed into one neighborhood/one subdivision for revaluation purposes. After Mr. Maxwell and staff had reappraised about 1600 homes, they found that many of the houses were under-assessed by twenty percent (20%) under the selling prices. The Assessor's Office now has market prices to compare rather than size and construction.

Grievance Day

The Assessor stated that Grievance Day is scheduled for May 28, 2002 for property owners wishing to contest their property assessment.

PARKS AND RECREATION DIRECTOR:

Appointments – Part-time Seasonal Park Employees

Upon recommendation of Parks and Recreation Director Michael Jeffery, Councilman Waszkiewicz presented the following Resolution and moved its adoption, which was seconded by Councilman Butler:

(RESOLUTION NO. 188 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time, seasonal positions for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing May 9, 2002 through September 9, 2002; all wages are to be paid bi-weekly:

<u>Name</u>	<u>Address</u>	<u>Position</u>	<u>Rate of Pay</u>
Sean Virkler	184 Paris Road	Crew Supervisor	\$7.75 per hour
William Roemer	47 Janet Terrace	Crew Supervisor	\$7.75 per hour
Carson Cunningham	20 Sherman Street	Park Laborer II	\$7.25 per hour
Joseph Cortese	2507 Genesee Street	Park Laborer II	\$7.25 per hour
Michael Alsheimer	125 Sedgewick Park	Park Laborer II	\$7.25 per hour
Chris Zalewski	2 Longfellow Drive	Park Laborer II	\$7.25 per hour
George Spinella	13 Barley Mow Run	Park Laborer I	\$6.75 per hour
Garrett Smith	3278 Neals Gulf Road	Park Laborer I	\$6.75 per hour
Adam Griffin	4 Lindale Avenue	Park Laborer I	\$6.75 per hour
Mike Steele	22 Stanhope Court	Park Laborer I	\$6.75 per hour

A roll call was taken by the Supervisor as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Competitive Bid Results - Donovan Park Playground Equipment

Because he had been out of town on business, the Parks and Recreation Director asked that action on bids for the Donovan Park Playground Equipment be deferred until the May 15, 2002 Town Board meeting.

Skateboard Parks

On April 30 and May 1, 2002 the Parks and Recreation Director had visited some New Jersey municipalities and discussed with municipal officials their skateboard parks and funding sources, including grants; the trip was at no cost to the Town.

Survey – Park and Recreation Facilities

Councilman Woodland inquired about the survey results. Director Michael Jeffery stated that about 1200 responses have been received to date and that about 500 have been calculated so far. Responses are still trickling in even though the deadline has passed and these responses will be included in the survey results. Of the 500 calculated responses, there seems to be 60/40 in favor for a skateboard park. Relative to the swimming pool or development of the Southern Reservoir, so far the vote seems to be equal but he believes the pool will be favored more than the Reservoir development.

July 4th Fireworks Display – Town's 175th Birthday Celebration

Supervisor Humphreys brought up the Firework Display idea for the Town's 175th Birthday Celebration this year. It would be nice to have this year's Fourth of July Fireworks to be incorporated with the Town's Celebration and with Friends of the Library Ice Cream Social. The Supervisor has already spoken to the Village Mayor who is also receptive to this idea. New Hartford Central School has been contacted to see if the displays can be conducted on the school field at Oxford Road; the Parks and Recreation Director will meet with School Officials. Supervisor Humphreys noted quotes between \$4500 and \$6500 for a 20 to 30 minute show. A consensus was made to firm up the proposal.

POLICE CHIEF:

GRANT – N. Y. S. Division of Criminal Justice Services Grant for Enhanced Computer Infrastructure

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Police Chief Raymond Philo said that Federal and State agencies have approved the Town's application for a new computer and to run an up-to-date criminal software program (SPECTRUM JUSTICES.) The Computer Committee and Police Commission have reviewed this proposal and Councilman Backman has reviewed the specifications. The State grant is for \$14,000 and the Town needs to match the dollar amount; the Chief had budgeted \$3,000 for police technology implementation and he will find the difference of \$11,000 in his contractual account. Upon recommendation of the Police Chief, Councilman Butler presented the following Resolution and moved its adoption, which was seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 189 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 sign an Agreement and Grant Acceptance Form with the New York State Division of Criminal Justice Services for a Fourteen Thousand (\$14,000) matching funds Grant for new computer hardware and screens for the Town Police Department.

A roll call was taken by the Supervisor 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.

ATV's (All-Terrain Vehicles)

Regarding the ATV enforcement, the Police Chief said his Department did get out one (1) day and issued two (2) violations but poor weather has hindered this activity.

Walk-a-Thon

Town Clerk Gail Wolanin Young spoke regarding the "Slimmer You" Walk-a-thon scheduled for August 10, 2002 and she asked if the Police Chief had a chance to review the request. Police Chief Philo replied that he wanted to confirm the charity that this event was benefiting before he approves it. It was decided that the Town Clerk and Police Chief should meet to confirm the facts of this event before pursuing further action.

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Highway Superintendent:

Appointment Part-time, seasonal Highway Laborer

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

(RESOLUTION NO. 190 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint David R. Jones, 9611 Sessions Road, Sauquoit, NY as a part-time, seasonal Laborer for the Highway Department, commencing May 6, 2002 at Seven Dollars and Fifty Cents (\$7.50) per hour, payable bi-weekly.

The Resolution was subject to a vote upon roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Hourly Wage – Part-time, seasonal Highway Laborers

Supervisor Humphreys made mention that there should be an amended resolution for the pay rate for all summer highway laborers. The correct rate of pay should be \$7.50 and not \$7.75, the rate requested by the Highway Superintendent and approved at the April 17, 2002 Town Board meeting. Councilman Backman presented the following Resolution and moved its adoption, which was seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 191 OF 2002)

RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 177 adopted April 17, 2002, so that the pay rate for John Kelly, Wayne Smoulcey and Thomas Panzone, Jr., all part-time summer highway laborers, will be Seven Dollars and Fifty Cents (\$7.50) per hour; and be it

FURTHER RESOLVED that the Town Board does hereby establish the hourly wage of all part-time, summer highway laborers at Seven Dollars and Fifty Cents (\$7.50), payable bi-weekly.

A roll call vote ensued:

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

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

Green Waste/Trash Collection Issues

In regards to this matter, the Highway Superintendent still needs to meet with the Public Works Committee. He expects to meet with them before the next Board meeting.

Authorization for Competitive Bid – Roof of Sanger Public Works Garage

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

(RESOLUTION NO. 192 OF 2002)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase and installation of a new roof on the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, 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 31, 2002 and then shall be publicly opened and read aloud at 11:00 A.M. on said date; 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.

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Stop Sign Inventory

The Highway Department will be performing an inventory to determine how many

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intersections do not have traffic signs and which intersections might need signs to prevent accidents and other traffic complications.

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

Having received and reviewed additional information submitted in behalf of The Sitrin Health Care Center rezoning application, the Highway Superintendent and staff find the application sufficient to now declare the application substantially complete. Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution and moved its adoption, which was seconded by Councilman Woodland:

(RESOLUTION NO. 193 OF 2002)

WHEREAS, the Sitrin Home (applicant) did apply to the Town of New Hartford on October 15, 2001 for a Zone Map Amendment for approximately 208 acres of land, to change the Zoning from RA2 and LDR to PDI; and

WHEREAS, the Town did subsequently terminate the review process following a determination that the application was incomplete; and

WHEREAS, the Town has received supplemental information from the Applicant, and the Town now believes the application to be substantially complete in accordance with the submittal requirements of the Town Zoning Law;

THEREFORE BE IT RESOLVED that the Town Board, having reviewed the application for the Zone Map Amendment from the Sitrin Home for approximately 208 acres of land, changing the zoning from RA2 and LDR to PDI, does declare the application to be substantially complete and does accept said application for processing; and be it

FURTHER RESOLVED that the Town Board does declare itself **Lead Agency** under **SEQR**, unless otherwise challenged, and does direct the Town Clerk to submit said application to the following interested and involved agencies for SEQR and Oneida County 239 review:

- 1) NYS Department of Environmental Conservation
- 2) Oneida County Environmental Health Department
- 3) Oneida County Soil and Water Conservation District
- 4) New Hartford Fire Department
- 5) New Hartford Police Department
- 6) Oneida County Planning Department (239 review)
- 7) Oneida County Department of Public Works (239 review)
- 8) City of Utica

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- 9) New Hartford Highway Department
- 10) Upper Mohawk Valley Regional Water Board
- 11) Town of Frankfort
- 12) Herkimer County.

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Sanitary and Storm Pump Stations

Highway/Sewer Superintendent Cleveland reported that the Town has a number of telephone lines connected to pump stations. Some of the dialers are so corroded that they don't work anymore and calls aren't being received at the Dispatch Center and some dialers are outdated and he believed there was no point in paying a monthly charge for lines that don't work.

[NOTE: Attorney for the Town, Vincent J. Rossi, Jr., joined the meeting at 8:41 P.M.]

Upon recommendation of the Highway/Sewer Superintendent, Councilman Waszkiewicz presented the following Resolution and moved its adoption, which was seconded by Councilman Butler:

(RESOLUTION NO. 194 OF 2002)

THEREFORE, BE IT RESOLVED, that the Town does direct the Highway Superintendent to contact Verizon (or other appropriate telephone vendor) to have the dialer (telephone) lines in any and all of the sanitary and storm pumping stations disconnected from said stations, and further to have any and all future line charges to these stations removed from the Town's monthly telephone invoice; and

RESOLVED, that the Board understands that future improvements to said pump stations may require some or all of these phone lines to be reinstalled to facilitate operational dialer systems; and

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RESOLVED, that the pumping stations that are or may be subject to this resolution are as follows:

- 1) Two (2) sanitary pump stations in the Applewood Community
- 2) Homestead Road sanitary pump station
- 3) Concord Boulevard sanitary pump station
- 4) Arlington Road storm pump station
- 5) Camden Way sanitary pump station
- 6) Seneca Turnpike sanitary pump station

and be it yet

FURTHER RESOLVED that this Resolution is adopted with the understanding that some type of alarm will be installed in each of the above-referenced pump stations.

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Installation of storm drainage culverts

Upon recommendation of the Highway Superintendent and after discussion, Councilman Backman presented the following Resolution and moved its adoption, which was seconded by Councilman Butler:

(RESOLUTION NO. 195 OF 2002)

THEREFORE, BE IT RESOLVED, that the Town Board does authorize the Highway Superintendent's office to purchase drainage piping and appurtenances (hereinafter drainage piping), sell said drainage piping to Town property owners who are having or who are directed to have drainage improvements installed on their property by or through the Town, and deliver said drainage piping to those properties; and

RESOLVED that the Town Board does authorize the Highway Superintendent's office to sell such drainage piping to qualifying person or persons, and for the Town Clerk's Office to collect such monies from said person or persons for each linear foot of pipe

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used in the improvement not to exceed the Town’s cost plus One Dollar (\$1.00) per linear foot, and

RESOLVED that any and all monies received by the Town Clerk’s Office shall be in the form of a personal check or certified bank check only, and deposited on a daily basis;

RESOLVED that no drainage improvements shall be installed by the Town, where the property owner has indicated that they intend to purchase the necessary pipe from the Town, until and unless the required monies are received and recorded as received in the Town Clerk’s Office.

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted. The Highway Superintendent and Attorney will develop an invoice and waiver form for this storm drainage work.

Bituminous Concrete Paving of Roads

The Highway Superintendent has contacted area municipalities to determine their interest in joining the Town’s summer paving program. He will also contact the Town of Frankfort, upon recommendation of Councilman Waszkiewicz.

Blind Driveway Sign – Terrace Hill Drive

The Highway Superintendent and Police Chief have looked over this site and both agree a “Blind Driveway” ahead sign should be installed. In the meantime, however, the Highway Superintendent will contact the homeowner asking that they trim back their bushes in the road right-of-way.

Road Dedication – Sherman Oaks Drive

The Board had reviewed page one (1) of the letter drafted to Terrence Martin, manager of the Sherman Oaks condominium complex, regarding the proposed Sherman Oaks Drive road dedication. Councilman Butler has asked to hold the letter until he receives page two (2) and to find out if any other areas, specifically the Oxford Town area, if there are any dedicated town roads in that development.

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Visibility Issue – White Pine Road area

Councilman Waszkiewicz voiced that he received a number of phone calls from residents of the White Pine area. Residents there are concerned with the safety issue of access to a driveway at the crest of Higby Road [a county highway], granted by the Oneida County Department of Public Works after subdivision approval by the Town Planning Board. He did inform the residents that these matters would be brought to the attention of the Town Board but unsure if there is anything the Town can do.

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY

COUNCILMAN BACKMAN:

Beechwood Road Drainage Project

Councilman Backman is hoping to hold a neighborhood meeting sometime in May 2002. Attorney Rossi says he is working on a letter to be sent to the Beechwood Road residents and he is also currently working on easements.

Roberts Road Speed Limit Study

Councilman Backman presented the following Resolution and moved its adoption, which was seconded by Councilman Butler:

(RESOLUTION NO. 196 OF 2002)

WHEREAS, the New York State Department of Transportation (NYS DOT) had denied the Town's request for a lower speed limit on Roberts Road, between Oneida Street and Mohawk Street; and

WHEREAS, upon authorization by the New Hartford Town Board, the Town Clerk in April 2002 had requested that the NYS DOT provide copies of all supporting documentation leading to their decision that a lower speed limit was not warranted along this section of Roberts Road; and

WHEREAS, the NYS DOT has not acknowledged the Town's request;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby authorize the Town Clerk to request, under the Freedom of Information Law, from the New York State Department of Transportation copies of their highway or traffic safety survey file including, but not limited to survey forms; copies of accident reports and court records; copies of maps, plans and surveys; correspondence; field notes; calculations and computations and any other document that were used to determine a lower speed limit was not warranted on Roberts Road between Mohawk and Oneida Street.

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Motor Pool Standing Committee – Vehicle Logs

In behalf of the Motor Pool Standing Committee, Councilman Backman presented the recommendation that driver logs be placed in all Town vehicles and that when Town employees go on vacation, they should return the Town vehicle to the Sanger Public Works Garage for use by other employees.

Property Maintenance – 42 Court Knolle

Councilman Backman again brought up the property maintenance issue involving 42 Court Knolle. He reviewed information previously reported at the March 20, 2002 Town Board meeting. This property owner is causing a property dispute with his neighbors by leaving construction debris, piles of stone and sand, and a wheelbarrow on his property. The Codes Enforcement Officer has made a visit to this residence and issued a notice for the owners to clean up the area. The resident's attorney contacted the Town and says that the debris is all construction related. The Code Enforcement Officer is giving this resident until June 1, 2002 to clean up the property and if that deadline is not met, Codes Enforcement Officer Gerald Back will be ready to cite the property owner.

Property Maintenance – 120 Oxford Road

Councilman Backman also updated the Board regarding 120 Oxford Road. The Codes Enforcement Officer has contacted the seller and they have mowed the lawn. They will continue thereafter until the property has been sold.

COUNCILMAN WASZKIEWICZ:

Speed Limit Reduction Request – Sedgewick Park

Sedgewick Park residents who are asking for a lower speed limit on their road had contacted councilman Waszkiewicz. Police Chief Ray Philo says the area already has an area speed limit of 30 miles per hour and the NYS Department of Transportation does not approve speed limits below 25 miles per hour. Councilman Waszkiewicz said he'd contact the Department of Transportation and the Sedgewick Park residents.

NYS Route 12 Task Force

Councilman Waszkiewicz had previously submitted the following Resolution for the Board's review and now introduced it for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 197 OF 2002)

RESOLUTION IN SUPPORT OF ESTABLISHING IMPROVEMENTS ON NEW YORK STATE ROUTE 12 BETWEEN BINGHAMTON AND THE MOHAWK VALLEY AREA

WHEREAS, the continued economic recovery of Oneida, Madison, Chenango and Broome Counties is of critical importance to the welfare of the 580,000 residents within these counties, the region and the State of New York; and

WHEREAS, the economic prosperity along the Route 12 Corridor has been severely impacted by the lack of an adequate transportation system that would promote the necessary stimulus for improving safety and economic growth in the four county area; and

WHEREAS, State and Federal governments have decided to upgrade NYS Route 17 in the Southern Tier of the State to full interstate highway standards and change the designation to I-86, creating a major east-west interstate connection; and

WHEREAS, NYS Route 12 is a major north-south connector serving between Binghamton and the Mohawk Valley Area that also contributes a large volume of traffic;

NOW, THEREFORE, BE IT RESOLVED: that the Town Board of the Town of New Hartford hereby goes on record in support of the planning and construction of a high level interstate highway from Binghamton to the Mohawk Valley Area; and be it further

RESOLVED: that the Town Board of the Town of New Hartford respectfully requests support from Federal and State elected officials, delegations and county governments, and economic agencies, and be it further

RESOLVED: that while the New Hartford Town Board supports efforts to improve Route 12 South, the region remains committed to seeing continued improvements to the Route 8 South corridor, as well, and encourages an expanded effort to study all levels of highway improvements to the south of Utica; now, therefore, be it

RESOLVED: that a copy of this Resolution be forwarded to the appropriate State and Federal officials representative to this region.

Upon roll call, the Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Resolution was declared unanimously carried and duly adopted.

Planner/Grant Writer Job Description

Councilman Waszkiewicz presented the following Resolution and moved its adoption, which was seconded by Councilman Woodland:

(RESOLUTION NO. 198 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford directs Barbara Aiello, Personnel Assistant, to put together the job criteria of a Planner with Grant Writing experience for consideration of establishing a full-time position and for solicitation purposes of individuals who might be qualified and interested in this position.

Discussion ensued with the question being raised as to whether the Town might be required under New York State Civil Service rules and regulations to offer this position, if it were to be established, to Jane Brouillette, former Planner whose position had been abolished by a previous administration. The Town Board 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

Letter Requesting UMVRWB For Support To Area Officials

Councilman Waszkiewicz requested that this item be tabled until the next meeting. Upon inquiry of the Town Supervisor, Councilman Waszkiewicz explained the Upper Mohawk Valley Regional Water Board (UMVRWB) has a great requirement for maintenance of the core water system that they acquired from the City of Utica and there's a belief with some UMVRWB Board members that possibly State and Federal assistance for this massive endeavor might be made available if our area speaks with one voice. The thought was endorsed at least in principle by some water Board members and they are crafting a proposed Resolution.

Time Limitation for Outside Completion of Building Projects

This item is also tabled until the next Town Board meeting.

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Audit of Vouchers - Process

Councilman Waszkiewicz spoke with Kevin Crawford of the Association of Towns today and found out the only requirement is that a majority of the Town Board members vote to approve vouchers in a manner they determine. It could be acceptable that only three (3) members review the vouchers and they can vote on approval. Councilman Waszkiewicz personally thinks there should be a standing committee available to review the bills. The more eyes the better. This will allow any questions regarding the bills to be discussed on a timely basis with the different department heads. Supervisor Humphreys' review of the vouchers satisfies Councilman Waszkiewicz because of the Supervisor's diligence.

Councilman Backman interjected that the previous Comptroller had expedited matters but don't know if this was fair to Town residents and that Councilman Backman had noticed the Town was buying things he never knew were being purchased. He believed everyone brings different levels of expertise to the table; mechanical knowledge, bookkeeping, different topics etc. We need to make sure the Town is getting the best deal.

Councilman Waszkiewicz believed that unless a process is put into place and questions addressed in a timely manner, he's not sure if he feels the Town Board can be effective in reviewing every single bill every single week. He will spot check bills and defer judgment to the Town Supervisor as CEO. Supervisor Humphreys would like to see at least three (3) Board members review the bills during each month.

Telephone and Web Site Coordinator

Janice O'Sullivan, who will begin employment on May 6, 2002 – replacing Janis Christofaro in the Accounting Department – will try to take on the tasks of coordinator for the telephone system and Town's Web Site. Supervisor Humphreys stated that Ms. Christofaro's last workday will be Friday, May 10, 2002.

Nye Avenue Stormwater Management Update

The Nye Avenue stormwater management report has been completed (proposal between the Oneida County Soil and Water Conservation District and Utica College) and Councilman Waszkiewicz asked the Town Clerk to send copies to the Town Board.

Legal Opinion - Tree Planting in Pleasant Street Swale

Councilman Waszkiewicz has sent a letter to the property owner that Attorney Vince Rossi has reviewed the situation and has determined that this is a civil matter.

Zone Map Amendment Review Criteria – Oneida County

Councilman Waszkiewicz had received the April 8, 2002 communication from Michael Gapin, Commissioner of the Oneida County Planning Department, explaining the process that the County Planning Department had followed in making their advisory recommendation pertaining to the Zone Map Amendment Application filed by the Charles Sitrin Health Care Center. Copies will be distributed to the Town Board.

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COUNCILMAN BUTLER:

Constituent Complaint - Woodberry Swim Club

Councilman Butler had met with the Woodberry Swim Club officials last night and addressed the tennis board complaint of Mr. Wasielewski. The Club will erect signs that hockey pucks, lacrosse balls, etc. are not permitted on the tennis board area and that activity at this location will cease at dark. Code Enforcement Officer Gerald Back confirmed there is nothing in the Zoning Law that regulates the use of tennis boards. The Swim Club will move the tennis board and try to insulate it somehow and will be planting bushes; Councilman Butler will convey this information to Mr. Wasielewski.

ATTORNEY FOR TOWN:

Conservation Licenses – Electronic Funds Transfer

Town Clerk Gail Wolanin Young had referred to Attorney Rossi the NYS Department of Environmental Conservation Agreement for the electronic transfer of the State's portion of conservation license sales under the new DECALS software system to be implemented in August 2002. It was suggested that a separate checking account be established solely for conservation licenses thereby limiting DEC's access to only conservation license funds. Councilman Backman presented the following Resolution and moved its adoption, which was seconded by Councilman Butler:

(RESOLUTION NO. 199 OF 2002)

RESOLVED that Fleet Bank be, and hereby is, designated a depository of funds of the Town of New Hartford, Town Clerk's Office, with the authority to accept at any time for the credit of the Depositor deposits in checking and money market accounts, by whomsoever made in whatever manner endorsed; and, without limiting the generality of the foregoing, which endorsement may be in writing, by stamp, or otherwise and which endorsement may be effectively made with or without designation or signature of the person so endorsing; and all funds in the Depositor's accounts shall be subject to the bylaws, rules, account agreements, regulations and conditions of the Bank governing deposits now in effect or hereafter adopted by the Bank; and the Bank shall not be liable in connection with the collection of such items which are handled by the Bank without negligence and the Bank shall not be liable for the acts of its agents, subagents or for any other casualty;

RESOLVED that the Bank be, and hereby is, authorized and directed to pay or otherwise honor checks, drafts, notes, bills of exchange, acceptances, undertakings and other instruments or orders for the payment, transfer or withdrawal of money for whatever purpose and to whomsoever payable when made, signed, accepted or endorsed by the signature or the actual or purported facsimile signature, of any one (1) of the named

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persons, or persons from time to time holding the following offices of the Depositor as indicated as authorized signatures:

- Gail Wolanin Young, Town Clerk
- Margaret M. Jones, Deputy Town Clerk I

RESOLVED: That any one (1) of the named person or persons from time to time holding the offices of the Depositor be, and hereby are, authorized on behalf of the Depositor to initiate the transfer of funds by wire, telex, book entry or other means (hereinafter “wire transfers”) from any account of the Depositor by the signature, or the actual or purported facsimile signature, and to execute agreements with the Bank for the wire transfer of funds, and to delegate from time to time to other persons the authority to initiate wire transfers from any account of the Depositor;

RESOLVED: That if the foregoing Resolution(s) permits the recognition of facsimile signature(s), the Depositor assumes full responsibility for the use of actual or printed facsimile signature(s) of any person or persons named above appearing on checks, drafts or orders of the Depositor drawn on the Bank and for payments made by the Bank in reliance thereon, which payments may be charged to the account of the Depositor, regardless of by whom or by what means the actual or purported facsimile signature(s) may have been affixed or impressed, if such signature(s) resemble the facsimile specimen(s) duly certified to or filed with the Bank by or on behalf of the Depositor and the Bank acts in good faith; and be it further

RESOLVED: That the Bank may act on any direction of a person authorized by the foregoing Resolutions without inquiry and without regard to the application of the proceeds thereof, including, without limitation, directions that payments be made to the Bank or to individual order of the signer, or that payment be tendered in payment to the signer’s individual obligation or to others for the signer’s account; and be it further

RESOLVED: That the Bank may rely on this document and on any certificate by an authorized representative of the Depositor as to the names and signatures of the present and future officers of the Depositor until the Bank has actually received written notice to the contrary and has had a reasonable period of time to act on such notice; and be it further

RESOLVED: That the Depositor shall, and by adoption of this Resolution does, agree to indemnify the Bank against any claim resulting from payments made pursuant to, or actions taken in good faith in reliance upon, any authorization contained in these Resolutions, including any actions taken after a change in the ownership, membership, management or legal structure of the Depositor but before the Bank has actual notice of such change and a reasonable period to act upon such notice; and be it further

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RESOLVED: That the Town Clerk and Town Supervisor be, and hereby are authorized to certify the foregoing Resolutions.

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

DECALS (AUTOMATED LICENSING SYSTEM) – HARDWARE

Further discussion followed regarding the Point of Sale (POS) equipment that the NYS Department of Environmental Conservation (DEC) will provide free-of-charge for issuing conservation licenses beginning August 2002 and that will include one (1) Hewlett-Packard PC with a Windows 2000 operating system and one (1) 15” color monitor, one (1) bar code scanner attachable to the PC, one (1) thermal license printer and one (1) receipt printer. The Town must provide a 120- volt outlet within six (6) feet of the workspace and an analog phone within twelve (12) feet of the workspace. The analog phone line can be shared with the Town Clerk’s existing FAX machine. Supervisor Humphreys brought up the difficulty and slowness of issuing licenses if only one staff member can work at a time on the State’s equipment. The Board requested the Town Clerk to find out whether DEC will allow installation of their DECALS software on a second PC owned by the Town and connected to DEC’s equipment.

Teamsters Union Health Insurance Policy

Attorney Rossi had written a letter to the Town Board stating he didn’t see anything in the Teamsters Health Insurance contract that the Town can’t deal with should the Board decide to offer this insurance to non-union employees; however, he did question an escape clause in the event the Town wished to opt out of this policy- the Town would be bound until the end of the current union contract.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

AUDIT OF BILLS

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

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(RESOLUTION NO. 200 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 that had been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 14	\$47,916.80
General Fund, Part-Town Abstract No. 10	\$21,492.97
Highway Fund Part-Town Abstract No. 11	\$ 9,570.59
Sewer Fund Abstract No. 9	\$ 3,384.09
Master Plan Capital Project Abstract No. 1	\$ 360.00
TOTAL:	\$82,724.45

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

ONEIDA COUNTY SALES TAX MODIFICATION

Supervisor Humphreys discussed with the Town Board the “Oneida County 1% Sales Tax Distribution Proposal” after the County reaches the Eighteen point Five Million Dollar (\$18.5 million) ceiling; the proposal is supported by the Town Supervisors and Mayors of Oneida County. The Board agreed on the proposal concept and that if the Oneida Indian nation money isn’t realized, the 1% Sales Tax Distribution proposal wouldn’t be effective.

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

(RESOLUTION NO. 201 OF 2002)

RESOLUTION TO SUPPORT THE MODIFICATION OF ONEIDA COUNTY SALES TAX FORMULA

WHEREAS, the Supervisors and Mayors of Oneida County have met and acknowledge the formula for sharing the one percent sales tax money collected above the eighteen point five million dollar ceiling to be inadequate in its fairness to the towns, cities and villages of Oneida County;

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WHEREAS, the Supervisors and Mayors of Oneida County strongly request that the Oneida County Board of Legislators immediately change the formula for sharing monies collected above the eighteen point five million dollar ceiling so that during prosperous economic times all municipalities share in this good fortune;

WHEREAS, after much discussion, the Supervisors and Mayors of Oneida County submit the following proposal to the Oneida County Board of Legislators for its approval for the sharing of the one percent sales tax collected above eighteen point five million dollars:

Sales tax monies collected from the one percent sales tax from eighteen point five million up to twenty-five million dollars will be shared as follows:

- cities to share with the County of Oneida fifty percent of what is collected within the boundaries of the cities up to twenty-five million dollars
- the towns and villages of Oneida County would share one point five million dollars of the one percent sales tax collected between eighteen point five million dollars and twenty-five million dollars

Sales tax monies collected from the one percent sales tax, from twenty-five million up to thirty million dollars, will be distributed as follows:

- all monies collected within the cities will be kept and shared by the cities, in accordance with the same formula currently utilized to divide up the original one percent sales tax money
- only the towns and villages of Oneida County will share all monies collected in the County of Oneida outside of the cities. The formula for sharing the original one percent sales tax will be utilized for this process.

Sales tax monies collected from the one percent sales tax above thirty million dollars will be shared as follows:

- the total collected within the cities will be shared by the cities with the County of Oneida fifty percent to fifty percent
- all monies collected from the one percent sales tax above thirty million dollars, outside of the cities of Oneida County, shall be shared by the County of Oneida and the towns and villages fifty-fifty.

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NOW, THEREFORE, BE IT RESOLVED that the Municipal Board of the Town of New Hartford supports the proposal to change the sales tax formula for sharing the one percent sales tax collected above the eighteen point five million dollars as documented in this resolution by a vote of 5 to 0 at the May 1, 2002 Town Board meeting.

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted

Departmental Staff Meeting – Computers, Web Site

Supervisor Humphreys held his first Departmental Staff meeting on April 25, 2002 and the Department Heads were receptive to quarterly staff meetings.

Departmental computers are being connected to the Accounting Department AS400 computer, enabling Department Heads to verify their budget balances, etc.

The Town received a proposal for Twelve Hundred Fifty Dollars (\$1250) from John Tierney for changes to the Town's Web Site thereby enabling each Department Head to Update their own home page, add forms, etc. Bookkeeper Carol Fairbrother says money is available in computer upgrading (\$5,000 line item in budget). Also, ESI will install changes in the computer system so that each Department Head will be able to access their e-mail from remote locations; the cost is estimated at about Six Hundred Dollars (\$600), which would come off hours pre-paid by the Town.

Councilman Backman presented the following Resolution and moved its adoption, which was seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 202 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the proposals of John Tierney and does hereby authorize him to make the necessary computer upgrades to connect various PC's to the Accounting Department AS400, at a cost not-to-exceed Twelve Hundred Fifty Dollars (\$1250). The cost shall be charged to the Central Data Processing account and it is stipulated that training shall be provided to employees; and be it

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FURTHER RESOLVED that said Town Board does further authorize ESI to install the necessary changes on the Town's computer system thereby enabling various Department Heads to make changes to and add information to their individual home pages on the Town's Web Site, the estimate cost of Six Hundred Dollars (\$600) to be deducted from the Town's pre-paid account for computer service with ESI and it is stipulated that training shall be provided to employees.

The Town Board voted as follows:

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

Resolution No. 202 was declared unanimously carried and duly adopted.

EXECUTIVE SESSION

Councilman Waszkiewicz presented the following Resolution and moved its adoption, which was seconded by Councilman Backman:

(RESOLUTION NO. 203 OF 2002)

RESOLVED, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss acquisition of real estate, the Cherrywood Community Certiorari attorney issue, and the Teamsters Union Contract.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 10:27 P.M. Attorney Rossi did remain but The Town Clerk and Deputy Town Clerk were excused.

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{NOTE: Councilman/Deputy Supervisor Donald Backman provided the following information on Thursday, May 2, 2002.}

Supervisor Humphreys excused himself from Executive Session at 11:30 P.M. when the matter of the Cherrywood certiorari matter was discussed.

END OF EXECUTIVE SESSION

Councilman Backman presented the following Resolution and moved its adoption, which was seconded by Councilman Woodland:

(RESOLUTION NO. 204 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 that resulted 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; the Executive Session ended at 11:50 P.M. and 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 of Councilman Backman and seconded by Councilman Woodland, the meeting was adjourned at 11:51 P.M.

Respectfully submitted,

*Sarah A. Long
Deputy Town Clerk II*