

**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,
MAY 15, 2002 AT 7:00 P.M.**

In the absence of the Town Supervisor who was attending the Second Annual Town Finance and Management School in Saratoga Springs, NY, Deputy Supervisor/Councilman Backman called the meeting to order at 7:00 P.M. and then led those in attendance in the Pledge of Allegiance. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

TOWN BOARD MEMBERS: Councilman Donald C. Backman
Councilman John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.

ABSENT: Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Codes Enforcement Officer Gerald F. Back
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael Jeffery
Personnel Assistant Barbara J. Aiello
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk I Margaret M. Jones

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

MINUTES

Councilman Waszkiewicz introduced the following Resolution, which was duly seconded by Councilman Butler:

(RESOLUTION NO. 205 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 March 28, 2002 with the following change requested by Councilman Waszkiewicz:

Page 6 – Paragraph prior to **ADJOURNMENT**

First sentence

“...; or perhaps if the Sitrin Home charged membership for the golf course, services or other activities and the services or activities that are not covered under the tax exempt status -- Councilman Waszkiewicz feels these services should be subject to any applicable taxes.”;

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and be it

FURTHER RESOLVED that the reading of the minutes be waived.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED because he did not attend the meeting
Councilman Butler	-	Aye
Councilman Backman	-	Aye
(Supervisor Humphreys	-	ABSENT).

The Resolution was declared unanimously carried and duly adopted.

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

(RESOLUTION NO. 206 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 April 3, 2002 with the following change:

Page 14 – *At-Grade Signal – Wilbur Road Access/Old Campion Road*

Last sentence

“In Councilman Waszkiewicz’s opinion, without a right-of-way, NYS DOT isn’t inclined to do anything.” [Councilman Waszkiewicz hadn’t intended to speak for the NYS Department of Transportation]; and be it

FURTHER RESOLVED that the reading of the minutes be waived.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER GERALD BACK:

Appointment – Part-time, seasonal Clerk

Upon the recommendation of the Codes Enforcement Officer, the following Resolution was offered for adoption by Councilman Butler; seconded by Councilman Woodland:

(RESOLUTION NO. 207 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Ava Massoud as a part-time, Seasonal Clerk in the Codes Enforcement Office at an hourly rate of Seven Dollars and Fifty Cents (\$7.50); payable bi-weekly. Ms. Massoud's appointment is effective Friday, May 24, 2002, through Friday, August 16, 2002, for a workweek not to exceed twenty (20) hours.

A roll call was taken and the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Property Maintenance - 9 Kellogg Road

Having sent a notice about mowing the grass and not receiving a response and having received a quote from the Parks and Recreation Department in the amount of Fifty (\$50) Dollars to mow the lawn at 9 Kellogg Road, Codes Enforcement Officer Gerald Back recommended adoption of the following Resolution which was introduced by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 208 OF 2002)

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; and

WHEREAS, the Town Codes Enforcement Officer has continued to receive complaints about over-grown grass/weeds upon premises located at 9 Kellogg Road (Tax Map Parcel No. 339.011-2-46), New Hartford, New York owned by John H. Boshart; and

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WHEREAS, the Codes Enforcement Officer has notified the owner, with no action being taken, and the abandoned parcel may be considered for demolition or ownership assumed through Oneida County for non-payment of taxes.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of The Town of New Hartford does hereby authorize and direct the Parks and Recreation Department to proceed with mowing the lawn at 9 Kellogg Road with the costs and expenses incurred by the Town, not to exceed Fifty (\$50) Dollars, in connection therewith to be assessed against the land on which said public nuisance exists and does hereby authorize and does hereby direct Oneida County to levy such charges on the 2003 Town and County tax bill for said parcel.

Councilman Woodland asked if the property was going to be condemned. Deputy Town Supervisor Backman stated that the Board would re-visit the condemnation issue when the Town Attorney joins the meeting. The Town Board then voted upon roll call, which resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

HIGHWAY SUPERINTENDENT:

Public Sale – Surplus Highway Equipment

Oneida County needs to receive by May 16, 2002 the list of surplus Town items to be included in their auction. Relative to a police car that is coming off the police inventory, the Town Board needs to decide whether to put the car in the auction or transfer the car to the Codes Enforcement Department for their use since the automobile previously used by the Codes Enforcement Officer is no longer operational. Upon recommendation of Highway Superintendent Roger Cleveland, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 209 OF 2002)

WHEREAS, the Town of New Hartford owns certain equipment and vehicles that it no longer needs or uses;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby declare the following vehicles and equipment as “Surplus”:

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- One 1993 GMC Dump Truck – VIN #1GDKC34F9PJ519807
- One 1979 Sweeper – VIN #82042D749
- One 1985 Sweeper – VIN #1A9B23DF5FR059010
- One 1996 Crown Victoria – VIN #2FALP71W6TX167995
- One 1994 GMC – VIN #1GDKC34F9RJ502542
- One 1993 John Deere Loader – VIN #DW544GD541742, with a minimum bid of Twenty-six Thousand Five Hundred Dollars (\$26,500)
- Sander Boxes
- Miscellaneous Tires and Rims

and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Highway Superintendent to deliver the aforesaid vehicles and equipment to Oneida County for inclusion in their June 6, 2002 Auction, for the Town Clerk to release the related Certificates of Title and for the Town Supervisor to sign all Certificates of Title.

The Town Board then voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

Disposition of Surplus Cars

The Highway Superintendent stated that there were two (2) junk cars that were used by the Codes Department and that these cars could not be sold at auction; he inquired how the Town wished to dispose of these vehicles. After some discussion, Councilman Waszkiewicz offered the following Resolution for adoption and Councilman Butler seconded same:

(RESOLUTION NO. 210 OF 2002)

WHEREAS, the Town of New Hartford owns two (2) automobiles that the Town Board wishes to donate to a not-for-profit organization, said vehicles no longer being able to meet the demands of the Codes Enforcement Office;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby declare the following vehicles as “surplus”

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- one (1) 1995 Chevrolet Caprice, 1G1BL52P4SR147081
- one (1) 1995 Chevrolet Caprice, 1G1BL52P2SR148777

and does hereby donate said vehicles to the Central Association for the Blind and Visually Impaired and does further authorize and direct the Town Supervisor to execute the Certificates of Title thereby transferring ownership of said vehicles to said Association.

The Resolution was duly put to a vote upon roll call, which resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Court Witness

Highway Superintendent Roger Cleveland will be acting as expert witness in behalf of the Attorney General's office – before the State – probably sometime in June 2002. The Highway Superintendent wanted to make the Board aware of this and he doesn't see a conflict of interest with his being Highway Superintendent and acting as a witness. It was the consensus of the Town Board that this matter be discussed with Vincent Rossi, Jr., Attorney for the Town of New Hartford.

Competitive Bid – Bituminous Concrete Paving

The Highway Superintendent reported that the Villages of New Hartford, New York Mills and Yorkville have expressed their interest in "piggy-backing" on the Town's Bituminous Concrete Paving project for 2002. The Town of Frankfort declined this year but would like to be contacted in 2003. Upon the recommendation of the Highway Superintendent, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 211 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford shall receive sealed bids for the purchase of Bituminous Concrete Paving of various Town roads, with bids to be received by the Town Clerk no later than 10:45 A.M. on Friday, June 14, 2002. All bids received shall then be publicly opened and read aloud at 11:00 A.M. on said date in the Town Clerk's Office, Butler Memorial Hall; and be it

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FURTHER RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement - Invitation to Bid in the Observer Dispatch.

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

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

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

Appointment – Part-time Cleaner

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

(RESOLUTION NO. 212 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint Roger S. Jones, 9611 Sessions Road, Sauquoit, New York, to replace Paul Toti as a part-time cleaner for the Jerome K. Madden Justice Building, Kellogg Road Community Center Building and the Donovan Community Center Building, effective Monday, May 13, 2002, at an hourly wage of Seven Dollars (\$7.00), payable bi-weekly, not to exceed a twenty-hour (20) workweek.

Upon roll call, the Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

PARKS AND RECREATION DIRECTOR:

Competitive Bid – Donovan Park Playground Equipment

The Parks and Recreation Director had reviewed with the Parks and Recreation Committee the bids received from Marturano Recreation and Miracle Recreation

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Equipment Company and discussed the differences in bids. Parks and Recreation Director Jeffery believed that Miracle Recreation, the apparent low bidder, did not meet specifications and he did review, item-by-item, these differences with Miracle and explained to them where they fell short on their specifications. Thereafter, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 213 OF 2002)

WHEREAS, Miracle Recreation Equipment Company, apparent low bidder, had submitted a total bid of Thirty Thousand Three Hundred Dollars and Thirty Cents (\$30,300.30) for playground equipment to be installed at the Donovan Memorial Park; and

WHEREAS, after a thorough canvass of Miracle's bid and that of Martuarno Recreation in the amount of Thirty-four Thousand Seven Hundred Forty-five Dollars (\$34,745.00), the following discrepancies have been determined:

- the Miracle piece of equipment requires nine hundred (900) square feet of surface for installation, at an additional cost of One Thousand Dollars (\$1,000)
- the following Miracle pieces of equipment do not meet bid specifications
 - double slide, straight tube slide, nine (9) foot arch bridge, trapeze climber, triangular deck, external climber, nine (9) foot funnel bridge and on the small modular eight (8) foot crawl tube
- Marturano mega lock system provides for an easier and quicker installation saving on installation costs;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby accept the second lowest bid submitted by and does hereby award the contract for the Donovan Park playground equipment to Marturano Recreation, the second lowest bidder, for the reasons itemized hereinabove, at a cost of Twenty-four Thousand Three Hundred Dollars (\$24,300) for one (1) Large Modular Playground Piece and Ten Thousand Four Hundred Forty-five Dollars (\$10,445) for one (1) Small Modular Playground Piece; and be it

FURTHER RESOLVED that the Supervisor be, and he hereby is, authorized and directed to sign all necessary contract documents.

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 - ABSENT).

The Resolution was declared unanimously carried and duly adopted. Parks and Recreation Director Michael Jeffery also reported that a Seven Thousand Dollar (\$7,000) grant from Community Foundation was approved for this project. He also received phone approval of Five Thousand Dollars (\$5,000) from the NYS Assembly for this project and stated that the Parks and Recreation Department may receive an additional Ten Thousand Dollars (\$10,000) towards this project.

Appointments – Part-time, seasonal Park & Recreation employees

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

(RESOLUTION NO. 214 OF 2002)

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, beginning June 17, 2002 through September 6, 2002:

PLAYGROUNDS – A7140.11

Chadwicks Playground

<u>Name</u>	<u>Position</u>	<u>Hourly Rate of Pay</u>
Kevin Bovi	Director	\$9.63
Sue Humphreys	Rec. Attendant II	6.64
Rachel Mohr	Rec. Attendant II	6.64
Robert Waterman	Rec. Attendant I	5.61
Julie Hulser	Rec. Attendant I	5.61
Christina Cahill	Rec. Attendant I ½ day	5.61

Oxford Road Playground

Heather Frierberger	Director	\$9.63
Sarah Batson	Rec. Attendant II	6.64
Phil Cavo	Rec. Attendant I	5.61
Nick Grimmer	Rec. Attendant I	5.61
Mary Cook	Rec. Attendant I	5.61
Kelly Bonsted	Rec. Attendant I ½ day	5.61

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Highy Road Playground

Greg Garfinkel	Director	\$9.63
Lindsey Doyle	Rec. Attendant I	5.61
Chelsea Callan	Rec. Attendant I	5.61
Tatyanna Saplaeva	Rec. Attendant I ½ day	5.61

Clinton Road Playground

Adriane Greer	Rec. Attendant II	\$6.64
Tracy Steele	Rec. Attendant II	6.64
Scott Briggs	Rec. Attendant I	5.61
Kim Alberico	Rec. Attendant I	5.61
Dominick Timpano	Rec. Attendant I ½ day	5.61

Bus Drivers

Jane Rielly	Head Driver	\$11.00
Barb Kivela	Driver	10.40
Linda Mundrick	Driver	10.40

Specialty Programs

Tim Madden	Adult Basketball Director	\$15.45
Jerry Pitarresi	Asst. Adult Basketball	10.80
Ed Prue	Youth Basketball Director	13.90
George Kazanjian	St. John's Basketball Director	15.45
Jamie Sitera	Dance Director	16.00
Joseph Colon	Tennis Instructor	16.28
Garrett Lubertine	Asst. Tennis Instructor	8.24

SUMMER THEATRE PROGRAM

Theatre – A7145.1

Steve Orton	Director	\$17.00
Jesse Orton	Asst. Director	7.65

SWIM PROGRAM

Swim – A7140.11

Diane Muller	Director/Evening Sup.	\$10.30 & \$7.25
Kristen Nobles	WSI & Sub. Supervisor	8.65
Elizabeth Monagen	WSI & Sub. Supervisor	8.50
Christine Tehan	WSI	8.50
Kim Philo	WSI	8.25
Kim Schrader	Inst. Guard/Evening Sup.	8.25
Brian Bartoszek	Instructional Guard	8.00

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SWIM PROGRAM

Swim – A7140.11 (Continued)

Liam Dwyer	Day Lifeguard/1 st Sub.	7.50
Kevin Bartoszek	Day Lifeguard/2 nd Sub	7.50
Craig Sherman	Boys Locker Attendant	5.55
Kathryn Karl	Girls Locker Attendant	5.55

Evening Swim

Ryan McArdle	Lifeguard	\$7.15
Mary Carol Karl	Lifeguard	7.15
Catlin Dwyer	Lifeguard	7.15
Jenna Humphreys	Lifeguard	7.15
Jenna Marchetta	Lifeguard	7.15
Paul Manfredo	Lifeguard	7.15
Johnathan Nobles	Substitute Lifeguard	7.15

Wading Pool

Cassie Cunningham	Lifeguard	\$7.15
Michele Tebsherany	Lifeguard	7.15
Jeff Blaker	Lifeguard	7.15

Water Aerobics Instructors

Elaine Hage	Instructor	\$35.00
Linda Budlong	Instructor	35.00
Maureen Cook	Instructor	35.00

PARKS DEPARTMENT

Parks – A7110.14

Starting May 20, 2002 – October 15, 2002

Robert Thornton	Laborer (Green Thumber)	\$7.50.
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The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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PERSONNEL ASSISTANT:

Job Specifications – Combined Planner/Grant Writer

Personnel Assistant Barbara Aiello had met with Highway Superintendent Roger Cleveland to discuss combining the position of planner and grant writer and formulating a job specification, which has been sent to the Oneida County Personnel Department for their review.

TOWN CLERK:

Fireworks Display Permit

Town Clerk Gail Wolanin Young had received an application from the Yahnundasis Golf Club for a July 4th Fireworks Permit. The application meets the provisions of the State Penal Law according to Police Chief Philo. Councilman Woodland inquired as to whether there is a time limitation for the fireworks display to commence and conclude. Police Chief Philo stated that the Penal Law does not set time limits. The Town Board's consensus is that each request to have Fireworks within the Town will be reviewed on a case-by-case basis as to the time that the display will be presented. Thereafter, the following Resolution was presented for adoption by Councilman Woodland; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 215 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received 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 on July 4, 2002, in accordance with the regulations set forth in said Permit.

Upon roll call, the Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF SPECIAL COMMITTEES

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SAFETY COMMITTEE:

Having received correspondence from Attorney Rossi relative to Safety recommendations proposed by the Safety Committee, Personnel Assistant Barbara Aiello asked for Town Board direction. It was the consensus of the Town Board to keep going with the Safety Committee. The Board requested that the Personnel Assistant schedule a meeting and invite Vincent Rossi, Jr., Attorney for the Town of New Hartford, and to get his remarks and comments on the Committee's mission statement.

TOWN PHYSICAL FACILITIES BUILDING COMMITTEE:

Councilman Waszkiewicz reported that the Committee met today with various Town officials and Dick Alexander, the latter of whom will draw up some conceptals for the Committee to review at next week's meeting. After meeting with Department Heads for their input for office space, the Committee will be able to formulate a recommendation to the Town Board. Councilman Waszkiewicz asked the Town Clerk to crystallize in writing the referendum timeline for this matter to be on the November 2002 ballot.

REPORTS OF COUNCILMEN

COUNCILMAN BACKMAN:

Roberts Road Speed Study

Councilman Backman is still waiting for information from the State of New York Department of Transportation (DOT) regarding the Roberts Road Speed Study. Although the Town Clerk had applied in writing for this information in April 2002, the DOT had not acknowledged receipt of the Town's request. The Town Clerk suggested that the Town request this information through the Freedom of Information Law; Town Clerk Young will forward this request.

Beechwood Road Drainage Project

Councilman Backman stated that a hearing has been scheduled for the Beechwood Road Drainage Project at the Kellogg Road Community Center for May 29, 2002, at a time to be determined.

COUNCILMAN WASZKIEWICZ:

Route 12 – North/South Highway Improvements

Councilman Waszkiewicz presented a copy of a letter he had written to be sent to area State officials requesting support for the North-South Highway Improvements. It was the consensus of the Board that Councilman Waszkiewicz mails the letters.

Ney Avenue Stormwater

A meeting with Utica College officials has been scheduled for June 6, 2002. NYS Senator Meier, Kevin Lewis of the Oneida County Soil and Water Conservation Office,

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Highway Superintendent Roger Cleveland and Councilman Waszkiewicz will attend this meeting.

Stormwater Drainage Issues

Stormwater drainage is becoming an increasingly important issue in Councilman Waszkiewicz's district as well as Councilman Backman's District and he alluded to the Whitetail Meadows subdivision being constructed on a hill off Oneida Street, Chadwicks. Who pays for the original stormwater management plan? Who pays for maintenance? The Town Board should think about whether we, as a Town, should shoulder that burden. The Town should consider this matter for future conversation and what might be recommended.

Time deadline for completion of outside building projects

Councilman Waszkiewicz has not had an opportunity to meet with Codes Enforcement Officer Gerald Back on this subject. One of Councilman Waszkiewicz's constituents had brought to his attention that there was a provision in his Deed that his house had to be completed within eighteen (18) months from the date of the Building Permit; he will try to get a copy for the Board to review. The Board realizes that some people are building homes on a "shoe string" and with this manner of building their homes and the delay of outside completion of the residence, other people in the neighborhoods are suffering because of it.

New York Mills Fire Department Memorial Park

Councilman Waszkiewicz stated that *peter j smith and associates* did submit a plan that the Councilman is going to share with the New York Mills Fire Department. Councilman Waszkiewicz will bring the document to the Town Board to review the independent study *peter j smith and associates* did of the fire department property for use that would fulfill the desires of the Fire Department only. This was done at no cost to the Town.

Compost Site

The Highway/Engineering Departments started several years ago attempting to get a permitted site behind the Sanger Public Works Garage for the operation of a green waste composting facility. In the most recent communication exchange between the Town and the NYS Department of Environmental Conservation (DEC), it took DEC six (6) months to respond; and once they did, the DEC brought up the additional issue of phenols. Within a couple weeks of this letter, DEC sent a notice that the Town was in violation of operating a non-permitted composting facility and were ordered to remove the leaves out of the site or DEC would consider taking legal action. Subsequent to this notice, the Town met with DEC to explain that the Town is continuing to attempt to get a permit, but that the process was taking so long that the Town needed some place to dispose of the leaves from Autumn of 2001 and the Town assumed by this point in time that we would have the permit. We discussed phenols and the design of the proposed site and DEC

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agreed they wanted to see the Town get the necessary permit. At this same meeting, DEC scraped thoughts of fining the Town and stated that they would work with us, the Oneida-Herkimer Solid Waste Authority composting site being full. The Town of New Hartford having no other recourse but to develop its own site, DEC now want to help us.

Consultant - Computel services/Cable TV Franchises

The Town Board having received a communication from Computel Consultants outlining its services, Councilman Waszkiewicz suggested the Town Board might consider having Computel Consultants review the Adelphia Cable Franchise Agreement and franchise payments. Councilman Backman noted that Computel reviews Adelphia’s financial records as well as the Franchise Agreement. It was also suggested that the Town have an audit of Adelphia to make sure that the charges are correct and the revenue that the Town is to receive is also correct. Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 216 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby agree to retain the services of Computel Consultants for the purposing of reviewing the current Adelphia Cable Television Franchise Agreement and determining whether the Town has received the correct franchise fees; there would be no cost to the Town as Computel would receive a portion of any fees recovered in behalf of the Town.

Upon roll call, the Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS (CONT'D)

POLICE CHIEF:

Chief Ray Philo read to the Town Board a letter that he is sending to the owner of 14Golf Avenue as a result of a four (4) to five (5) month investigation of drug matters by the Oneida County Drug Task Force at this location. The investigation led to the arrest of two tenants on drug distribution charges, and the Police also removed an unlawful handgun from the house. While criminal remedy has been evoked, there are civil remedies available to Town should this type of activity continue at this location. When landlords fail to monitor their tenants, they can be held responsible. This letter puts the

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landlord on notice that the Town will not tolerate this type of irresponsibility on their part.

Believing the Town should have some policy for the Town to send such letters to hold property owners responsible for the illegal distribution and use of drugs, Councilman Butler introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 217 OF 2002)

WHEREAS, the Town Board of the Town of New Hartford fully supports keeping its neighborhoods drug-free and safe and supports criminal and civil remedies to support that goal;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby directs the Police Chief of the Town of New Hartford to notify all property owners, whose property may be used for the purpose of drug dealing or drug possession, that their property is subject to civil remedies such as seizure should that property continue to be used for such purpose. The Police Chief is hereby directed in the circumstances to send a certified letter to the property owner of such illegal activity and the consequences thereof. A copy of each letter shall be forwarded to the Town Board and the New York State Attorney General's Office.

Upon roll call, the Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

PETER J. SMITH & COMPANY, INC.

ALTERNATIVES IN PLANNING FOR A SMART GROWTH STRATEGY

Planning Board Chairman Joseph Yagey stated that the Planning Board had voted eight (8) to zero (0) not to accept the proposal presented by *peter j. smith and company, inc.* at the April 17, 2002 Town Board meeting, and he expressed concerns that there are too many tradeoffs.

MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR

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AUDIT OF VOUCHERS

Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 218 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 the Town Board had duly audited:

General Fund, Whole-Town Abstract No. 15	\$ 50,332.89
General Fund, Whole-Town Abstract No. 16	\$ 150.00
General Fund, Part-Town Abstract No. 11	\$ 4,969.60
Highway Fund Part-Town Abstract No. 12	\$ 27,770.20
Sewer Fund Abstract No. 10	\$ 4,759.49
Street Light District No. 6	\$ <u>7,035.62</u>
TOTAL:	\$ 95,017.80

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

BUDGETARY TRANSFER

The Town Court had budgeted for a copier in 2002; however, the State Contract price exceeds the appropriated amount by Two Hundred Eighty-eight Dollars (\$288). After some discussion, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 219 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to transfer Three Hundred Dollars (\$300) from Town Court Account No. 1110.4 (Contractual Expense) to Town Court Account No. 1110.2.(Equipment) to cover the cost of a photocopier to be purchased on State Contract (PC54567).

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

NON-BUDGETED ITEM – AUTHORIZATION TO PURCHASE

Because of inadequate ventilation and the heat generated from the Accounting Department’s computers/servers, it was suggested that the air-conditioning in the Town Clerk’s Office be extended into the Accounting Department. Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 220 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the rerouting of the Town Clerk’s Office air-conditioning unit to also serve the Accounting Department at a cost of approximately Four Hundred Fifty Dollars (\$450) and that this amount be paid from Comptroller Account No. A1315.4 (Contractual Expense).

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

FLOOD INSURANCE COVERAGE – DONOVAN COMMUNITY CENTER BUILDING

The Flood Insurance Policy premium in the amount of Eight Hundred Ninety Dollars (\$890) was due May 11, 2002 for the Donovan Community Center Building, Elm Street, Chadwicks; this policy provides for flood damage coverage only and for a loss of Ninety Thousand Dollars (\$90,000). This policy is not connected in any way to any other policy. Supervisor Humphreys had requested that the Town Board discuss this matter. Councilman Backman believes that Nine Hundred Dollars (\$900) a year is expensive, but at the same time he would not like to lose the building. Councilman Waszkiewicz suggested that the Town not renew this policy. Based on the information provided by Bailey, Haskell and LaLonde, the Town’s insurance carrier, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler.

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(RESOLUTION NO. 221 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct that the Town of New Hartford **NOT** renew the Flood Insurance Policy on the Donovan Community Center Building, thereby canceling said coverage for the building effective May 11, 2002.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

MOTOR POOL COMMITTEE – 1996 FORD CROWN VICTORIA

Police Chief Ray Philo has taken a 1996 Ford Crown Victoria out of service, transferring it to the Codes Enforcement Department; this vehicle has a low book value of Forty-One Hundred Dollars (\$4100) and a high value of Fifty-Nine Hundred Dollars (\$5900). Discussion followed on whether the Town should send this vehicle to the County auction to recoup revenue; and if so, what does the Town do about a vehicle for the Codes Department. Councilman Backman suggested that the Town send the vehicle to the auction with the understanding that the Town can withdraw the vehicle before the auction date and that a minimum bid of Forty-five Hundred Dollars (\$4500) be set as the starting bid for the vehicle.

(RESOLUTION NO. 222 OF 2002)

WHEREAS, the Police Department removed a 1996 Ford Crown Victoria Vehicle, VIN 2FALP71W6TX167995, and transferred the vehicle to the Codes Enforcement Office for their use; and

WHEREAS, the Motor Pool Committee suggested that this vehicle be included in the Oneida County auction with bidding to begin at a minimum of Forty-five Hundred Dollars (\$4500);

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby declare the 1996 Ford Crown Victoria as “surplus” and does hereby authorize that said vehicle be included in the Oneida County Auction on June 6, 2002 at a minimum bid of \$4500 and

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with the understanding that the Town maintains the right to withdraw this vehicle before the auction date.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

EXECUTIVE SESSION

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

(RESOLUTION NO. 223 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Cherrywood Assessment Certiorari, Teamster Health & Welfare contract, land purchase option contract, pending litigation regarding the Spring 2001 salt barn contract/dispute. and the Soggs'-Longeretta Assessment legal issue.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 8:49 P.M. The Town Clerk and Deputy were also excused; Attorney Rossi remained for this session.

[NOTE: Following transcript was supplied by Councilman Woodland on Thursday, May 16, 2002.]

END OF EXECUTIVE SESSION

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

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(RESOLUTION NO. 224 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 9:51 P.M. The regular portion of the Town Board meeting was reconvened at 9:51 P.M.

LEGAL COUNSEL – CHERRYWOOD ASSESSMENT CERTIORARI

Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 225 OF 2002)

RESOLVED the Town Board of the Town of New Hartford does hereby retain the services of Robert L. Beebe, Attorney at Law, Clifton Park, NY, at an hourly rate of One Hundred Sixty-Five Dollars (\$165) at a not-to-exceed total of Fifteen Hundred Dollars (\$1500) in the matter of the Cherrywood Assessment Certiorari brought against the Town.

A roll call vote ensued:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Butler, the meeting was adjourned at 9:52 P.M.

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Respectfully submitted,

Margaret M. Jones
Deputy Clerk I