

**SPECIAL 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 TUESDAY,
JULY 9, 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: Codes Enforcement Officer Gerald F. Back (Arrived at 8:14 P.M.)
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Police Chief Raymond Philo (Arrived at 8:10 P.M.)
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

Councilman Woodland introduced the following Resolution, which was duly seconded by Councilman Backman:

(RESOLUTION NO. 277 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Town Board Meeting held on **June 5, 2002** and does hereby waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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PUBLIC PRESENTATIONS:

APPOINTMENT – PART-TIME CLERK/CODES ENFORCEMENT OFFICE

Shirley Riggles of 18 Golf Avenue, New Hartford inquired about the June 19, 2002 appointment of a Department Head's daughter as a Part-time Clerk in the Codes Enforcement Office and she expressed concern that this position might not have been advertised to the public. Supervisor Humphreys said that the position was previously filled but the employee took another job in New York City. The vacant summer position was posted in Butler Memorial Hall. Because there was a lack of applicants, the Town Board hired this person. Ms. Riggles wanted to confirm that this position was posted to the public because she knew of some college-aged persons who would have loved the opportunity to work in this position.

CONTRACTUAL SERVICE – ATTORNEY FOR THE TOWN

Ms. Riggles had some concerns with how the Attorney for the Town was paid and if this was cost effective. Supervisor Humphreys explained that the attorney itemizes the bills including the date, length of time, subject matter and person the attorney had talked to. The Town Board will review this matter at budget time.

POLICE OFFICERS – SANGERTOWN SQUARE MALL

Another concern brought up by Ms. Riggles was police presence at Sangertown Square Mall. Ms. Riggles believes it is not in the public's best interest to have the police "baby-sit" in the malls. She asked the Town Board to reconsider this arrangement because of the cost and potential injury to police officers. Supervisor Humphreys responded that the Town is reimbursed by the Mall for the police officers' services.

REPORTS OF TOWN OFFICIALS

PARKS AND RECREATION DIRECTOR:

Appointment – Part-time Summer Recreation

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

(RESOLUTION NO. 278 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Emily Hildebrand of 211 Homewood Drive, Clinton as a Dance Instructor at an hourly rate of Ten Dollars (\$10.00, for the Parks and Recreation Department, commencing immediately, and for the duration of the 2002 Summer Parks and Recreation Program; all wages are to be paid bi-weekly:

A roll call vote was held 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.

Public Opinion Survey Results – Park and Recreation facilities

The Parks and Recreation Advisory Committee has accepted the town-wide parks and recreation survey results as a public document, analyzed the survey and have found there is a strong public desire for recreational ice skating time, protecting green ways and having bike paths connecting hamlets within the Town. There was an interest in developing and protecting naturalistic areas around the Presbyterian Church and Sherrillbrook Park. The skateboard park had a high percentage in favor. Also, survey results showed residents were more in favor of regional development of the southern reservoir for aquatic purposes versus the Town constructing their own swimming pool. Councilman Waszkiewicz suggested that the reservoir concept be a more regional development than just a Town development. The Committee considered the idea of establishing user fees for parks and recreation facilities. Councilman Backman said that he does not want to create resident usage fees and noted that in the past he had opposed raising resident usage fees for pavilion rental, etc. Councilman Backman said that he would like to see some developmental concepts initiated. Supervisor Humphreys asked the Parks and Recreation Director to put together a financial package that he felt reasonable and bring it to the Board to review.

DIRECTOR OF SENIOR SERVICES:

Creation of Foundation – Internal Revenue Section 501(3)(C)

Director of Senior Services Eileen Spellman encouraged the Town Board to create a foundation pursuant to Section 402 of the Not-for-Profit Corporation Law (and as more fully defined in Section 501 © (3) of the Internal Revenue Code). This action would allow the Adult & Dining Activity Center (and/or other Town Department wishing to establish a foundation) to accept tax-deductible donations as well as to apply for grants that the Town, as a municipality, would otherwise be ineligible. The Board will review the forms presented.

TOWN CLERK:

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Permit - Assembly of Large Number of Persons

Upon recommendation of the Town Clerk, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 279 OF 2002)

WHEREAS, on June 14, 2002 the Town Clerk received an application from the Presbyterian Home for CNY for to conduct a food and craft festival on September 7, 2002, in conjunction with their annual fund raiser; and

WHEREAS, the Codes Enforcement Officer and Town Police Chief have reviewed said application and find the contents therein to meet Chapter 44 of the Town Code;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby approve the Presbyterian Home's application to conduct a food and craft festival upon their Middlesettlement Road premises on September 7, 2002 and that the Town Clerk be, and she hereby is, directed to issue the permit under Chapter 44 (Assembly, Mass Public) of the Town Code.

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

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

Resolution No. 279 was declared unanimously carried and duly adopted.

Re-advertisement - Sanger Public Works Garage Roof Bid

Upon recommendation of the Town Clerk, Councilman Waskiewicz introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 280 OF 2002)

WHEREAS, the Town Board had scheduled the bid opening date for the Sanger Public Works Garage Roof project for June 28, 2002 and the legal notice published by the Town Clerk reflected this date; and

WHEREAS, subsequently, the Highway Superintendent had postponed the bid opening to July 19, 2002 by means of an Addendum to the bid specifications; and

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WHEREAS, Town Law is explicit in that a bid opening shall be held on the date specified in the legal notice published in the Town’s official newspaper and not by an addendum to specifications;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford shall receive sealed bids for the service rendered to repair the Sanger Public Works Garage Roof, in accordance with Town specifications, and the Town Clerk is hereby authorized and directed to publish the requisite Legal Notice in the Observer Dispatch. All bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Friday, July 19, 2002 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office.

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

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

Resolution No. 280 was declared unanimously carried and duly adopted.

HIGHWAY SUPERINTENDENT:

Bleachery Avenue Street Light

William Welty, Bleachery Avenue, Chadwicks, who represented several Bleachery Avenue neighbors, had contacted Highway Superintendent Cleveland. A particular streetlight that had not been energized for years has now been energized and the neighbors do not want this light on. The Highway Superintendent does not see a need to have this light energized especially if the neighbors do not want it. The Town Board concurred that the Highway Superintendent send a letter to Niagara Mohawk requesting that this particular light be de-energized for a while to evaluate its future need.

Seasonal Appointments – Highway Department

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

(RESOLUTION NO. 281 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following individuals to the various part-time, seasonal positions and for the hourly

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wages set opposite their several names, for the Highway Department, commencing immediately unless otherwise noted, and for the duration of the summer Highway Program; all wages are to be paid bi-weekly:

<u>Name</u>	<u>Position</u>	<u>Rate of Pay</u>
Evan Rossi	Seasonal Laborer	\$7.50 per hour
Catherine Koury	Seasonal Clerk	\$7.50 per hour

A roll call vote was taken by Supervisor Humphreys for the Resolution 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.

County Snow and Ice Control Agreement

The Oneida County Highway Superintendents Association has convened to review the contract offered by the Oneida County Public Works Committee for snow and ice control along County highways and discussed the matter of inequitable compensation by the County for work performed and the possibility of increased compensation. For a number of towns, Oneida County is not compensating the towns enough to cover their cost of snow and ice control on County roads. More and more, Highway Superintendents are documenting that the costs are higher than what the County is paying and one Town has already declined to participate in this agreement. The County has told the Highway Superintendents that they will not be able to compensate any higher than what is being offered. The Town Board came to a consensus for Highway Superintendent Cleveland to compile the actual costs for plowing county roads and to invite the four (4) County Legislators who represent New Hartford and the County Chairman of Public Works to meet with the Town Board to discuss this matter at the July 24, 2002 Town Board meeting. Action on this contract was deferred until more information is available.

Higby Heights Street Light District – additional lights

Highway Superintendent Cleveland had received a request for six (6) additional streetlights to be placed in the Higby Heights Street Light District as a result of recently-constructed homes. Councilman Backman will schedule an informational meeting for the residents to review lighting costs and to receive their input prior to any Board action.

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Town-wide Stormwater Management

The Highway Superintendent and Deputy Highway Superintendent have met with a couple of residents in the Wadsworth Road area regarding stormwater run-off. Councilman Waszkiewicz said that this is another situation where development uphill is causing negative impact on other properties. Highway Superintendent Cleveland explained that the owner of 43 Wadsworth Road called about a water problem on their property. Three (3) to five (5) inches of rain fell in a period of two (2) hours and this is well above what the roadside ditches can handle. Residents have experienced water running onto their properties and it looks as if improvement is required off their properties to mitigate the situation. The Highway Superintendent said that the Town can work within the right-of-way but once off the right-of-way, easements are required. The question arose as to the kind of criteria the Town intends to base its decision regarding which residents should receive assistance from the Town. Councilman Waszkiewicz would like to meet with the Oneida County Soil and Water Conservation agency to prioritize properties and which have the more negative experiences. Senior Engineering Technician John Meagher will revisit these properties and will compare them with the past-prioritized schedules by the next Board meeting. Councilman Waszkiewicz wanted to address the funding that was needed for these types of projects and suggested a figure of about \$10,000. Councilman Waszkiewicz would like to allocate approximately \$10,000 in the stormwater management fund to address issues regarding Sedgewick Park, Taber Road, the area of 45-47 Wadsworth Lane/Road, Slaytonbush Lane and Royal Brook Lane. Councilman Waszkiewicz wants to include notification that the Town is formulating a policy that should future maintenance be required, it would be totally shouldered by the property owner. The Town will be held harmless. Supervisor Humphreys wondered if a budget of \$10,000 would be within the realm of accomplishment and the Highway Superintendent answered that it probably would be sufficient. Town Highway crews could perform some work and if the work was too complex, the Town might seek outside assistance. There was no second to the proposal but there was a consensus for the Highway Superintendent to develop some policy for the next Board meeting, including prioritization of the problems.

Reschedule Regular Town Board Meeting

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

(RESOLUTION NO. 282 OF 2002)

RESOLVED that the New Hartford Town Board does hereby amend its January 1, 2002 Resolution pertaining to the schedule of Regular Town Board meetings, those being the first and third Wednesdays of each month, so that the second meeting in July will be rescheduled from July 17, 2002 to a Special Meeting on July 24, 2002 at 7:00 P.M. in the Kellogg Road Community Center Building.

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Upon roll call, the Town Board voted 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.

Speed Study Request

Councilman Woodland had been contacted by a resident who is requesting that the speed limit be reduced on NYS Route 5B, also known as Middle settlement Road. The following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Backman:

(RESOLUTION NO. 283 OF 2002)

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 the current speed limit on Middle settlement Road between Pizza Hut and the Presbyterian Home.

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.

No Littering Sign

Upon the request of Councilman Woodland, the Highway Superintendent will erect several “No Littering” signs at the entrances to the greenbelt area at the NYS Routes 5, 12 and 12B (Yahundasis) Intersection.

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Consolidated Water District

Councilman Waszkiewicz believes that the Town Board should include the Washington Mills Water District into the Town's Consolidated Water District. Highway Superintendent Cleveland will review this matter with Vincent Rossi, Jr., Attorney for the Town.

Grant Application - Snowden Hill Road Water Project

The grant application for the proposed Snowden Hill Road water project has been filed and it is expected that the Town may know in the Fall of 2002 as to whether the Town qualifies for funding; construction could possibly begin in Spring 2003.

West Nile Virus

Councilman Waszkiewicz had met with the Oneida County Health Department to confirm the testing that was performed at a basin near Slaytonbush Lane. The Health Department said that because there was running water that was flowing into the basin there was little chance for virus breeding. This basin was too deep and flowing constantly to allow any breeding of mosquitoes. The areas that would be high suspect would be wooded areas with small, non-moving thin amounts of water. Councilman Waszkiewicz also handed out pamphlets on the West Nile Virus and preventive measures people should take in order to stay safe.

CODES ENFORCEMENT OFFICER:

Temporary Signs – Off-Premises, Utility Poles, etc.

Codes Enforcement Officer Gerald Back explained to the Board the policies relating to off-premises signs. In past years, the Town Board passed Resolutions "not objecting" to signs announcing a particular event sponsored by a not-for-profit group such as the American Cancer Society, Sauquoit Valley P.T.O., Presbyterian Home Festival, etc. when the sign was to be erected on property not owned by the group, but that the group would need to obtain permission from the property owner (such as NYS Department of Transportation if the sign were to be placed within the right-of-way of a state highway such as Route 5, 8, 12 or 12B).

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

(RESOLUTION NO. 284 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does not object to the Presbyterian Home erecting a temporary sign at the junctions of NYS Routes 5, 12 and 12B for two (2) weeks announcing their September 7, 2002 Festival.

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	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

Property Maintenance - Dixon Road

Upon recommendation of the Codes Enforcement Officer, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 285 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 received complaints about high grass and weeds upon premises located at 12 Dixon Road (Tax Map Parcel No. 328.012-2-34.2), New Hartford, New York owned by Gerard and Sharon Lynch whose last known address is 12 Dixon Road, New Hartford, New York; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owners via certified mail;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn and clearing the property of debris at 12 Dixon Road, at a cost not to exceed One Hundred Twenty-five Dollars (\$125) and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board authorizes this expense to be levied against such real property.

Upon roll call, the Town Board voted as follows:

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

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Resolution No. 285 was declared unanimously carried and duly adopted.

Building Permits – Construction Timeframe

Responding to Councilman Waszkiewicz's question, Codes Enforcement Officer Gerald Back said that the Building Permit applicants could have up to two (2) years to complete a structure, one (1) year for the initial application and a one (1) year extension. There is no fee for an extension permit. He stated that other Towns implement a one (1) year limit for construction to be done and then the owner must obtain another permit and pay the permit fees. The Board came to a consensus where they thought our Town's policy was fine.

Quiet-Zone Requirement / Consumer Square

Residents near the new Consumer Square Shopping Center had heard that TOPS located on Kellogg Road had a quiet-zone policy that had been instituted on a volunteer basis. The quiet zone has to do with the clanging of dumpsters being emptied by garbage haulers early in the morning. The quiet zone, however, does not include delivery trucks that come in and out and the noise that they might generate. TOPS had agreed to contact all their haulers to make sure they pick up the dumpsters before 6:00 A.M. With Consumer Square being constructed, the residents around that area have complained about truck noise, particularly that the trucks were coming in all night long. While the Town cannot control the truck traffic, the Town did require the shopping center owners to erect a noise wall, about ten (10) feet high and about one thousand (1,000) feet long behind the new Wal-Mart and the loading docks. This wall must be erected before a Certificate of Occupancy is issued.

Lighting Nuisance / Consumer Square

Another issue brought up was the energizing of the lights upon the Consumer Square Shopping Center and lights shining upon private residences. The Codes Enforcement Officer, Highway Superintendent and Al Swierczek (Engineer) are meeting at 3:00 P.M. on Thursday, July 11, 2002 in the Code's Enforcement Office to discuss this matter. Subsequently, meetings will be scheduled with representatives of Benderson Development and the residents so that on-site inspections of residential properties can be performed to see how lights is shining onto their property.

POLICE CHIEF:

Training

Upon request of the Police Chief, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 286 OF 2002)

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WHEREAS, Section 77-b of the General Municipal Law allow the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Police Chief Raymond Philo to attend the **New York State Chiefs of Police Annual Training Conference** from August 4-6, 2002 at West Point, New York, with expenses not to exceed Three Hundred and Fifty Dollars (\$350) to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Training

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

(RESOLUTION NO. 287 OF 2002)

WHEREAS, Section 77-b of the General Municipal Law allow the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Juvenile Aide Officers Peter Colburn and Fran Manfredo to attend the New York State Juvenile Officers Youth Conference from August 25-30, 2002 at Binghamton, New York, with expenses not to exceed Eight Hundred and Fifty Dollars (\$850) to be borne by said Town as budgeted, and for Juvenile Aide Officer Richard Salamone to attend said Conference free-of-charge as a member of the Juvenile Officers organization.

The Resolution was voted upon by roll call 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.

Police Services – “The Orchards” Project (Shopping Center)

Councilman Woodland expressed concern about the availability of police presence in Ward 4 once the “The Orchards” project is completed. Police Chief Raymond Philo responded that in a historical prospective relative to SEQR comments on such projects he has said that while a particular project in itself may have a marginal effect on police services, however, collectively, development in the Town may have an adverse effect on such services.

REPORTS OF COUNCILMEN

COUNCILMAN BACKMAN:

Motor Pool Standing Committee

Councilman Backman distributed a draft of the Motor Pool policy; discussion followed and Councilmen Backman and Woodland were directed to refine the policy. It was agreed that once the policy is adopted, copies will be issued to Department Heads and added to the Employee Manual.

Non-budgeted Item - “Pay” Telephones

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

(RESOLUTION NO. 288 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize the purchase of two (2) CTR-201R reconditioned, inside, wall-mounting pay telephones, one (1) to be installed in the Recreation Center and one (1) to be installed in the Sherrillbrook Park, at a total cost not to exceed Six Hundred Dollars (\$600.00). The reconditioned telephones will replace those previously installed by VERIZON and shall have a six (6) month warranty; this expenditure shall be funded through General Fund Contingency Account A1990.4.

Upon roll call, the Board members voted as follows:

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

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

Property Maintenance - 9 and 11 Kellogg Road

The residents there would like the Town to do something about the tree limb. Councilman Backman did not want to set a standard by doing this but would like the Highway Superintendent to remove the limb and calculate the cost and forward the paperwork to add on the tax bill for 9 Kellogg Road. After some discussion, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

(RESOLUTION NO. 289 OF 2002)

WHEREAS, property situated at 9 Kellogg Road (Tax Map Parcel No. 339.011-2-46 owned by John Boshart) has been abandoned for several years by its owner and the Town Codes Enforcement Officer, by direction of the Town Board, from time to time has arranged the clearing of high grass, weeds and debris from said property, with the costs levied against such property on the County and Town tax bills; and

WHEREAS, a tree limb has fallen from the property of 9 Kellogg Road onto property located at 11 Kellogg Road;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Superintendent of Highways to remove the tree limb from 11 Kellogg Road, calculate the cost of said removal and forward said costs to the Oneida County Finance Commissioner to be levied against 9 Kellogg Road (Tax Map Parcel No. 339.011-2-46).

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 Supervisor declared the Resolution unanimously carried and duly adopted.

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Certificate of Occupancy/Assessments

Shirley Riggles, 18 Golf Avenue, New Hartford, asked about the purpose of having the Certificate of Occupancy be tied in with the assessment on a property and particularly regarding the Consumer Square Shopping Mall that is being built. Attorney for the Town, Vincent Rossi, Jr. says that the Town Planning Board uses the Certificate of Occupancy for land use control, to make sure lighting is not a nuisance, to ensure enough parking spaces, roofs being built properly, that windows meet fire code and that the whole construction is carried out in the proper manner. A Certificate of Occupancy is not for the purpose of raising monies for the Town.

Town Planner – Grant Writer / Vacancy

Supervisor Humphreys said that the Town originally had until July 10, 2002 to hear from former Town Planner Jane Brouillette to see if she was interested in the recently-created Town Planner-Grant Writer position. Ms. Brouillette had not received the canvass letter from the Oneida County Department of Personnel and therefore, would not comment until she receives the official communication. The County Personnel Department will be sending another letter to her.

Stormwater Management - Nye Ave area

Utica College has asked an architect to design some type of plan to control water runoff from their campus and Councilman Waszkiewicz suggested looking for funding for the College and the five (5) municipalities that are also affected.

Franchise Agreement - ADELPHIA

The Department of Public Service has signed the Franchise Agreement between the Town of New Hartford and **ADELPHIA** and the Town should receive a signed copy by Friday, July 12, 2002. Supervisor Humphreys said that franchise fees due the Town are being deposited by **ADELPHIA** into a separate account and the Town will receive their money in the event **ADELPHIA** files for bankruptcy. Councilman Waszkiewicz noted that in May 2002 the Town Board retained Computel Consultants to review the current cable franchise agreement to ensure the Town had received the correct franchise fees; this company is also willing to negotiate cable television franchise agreements in the future.

Railroad Crossing / Kellogg Road

The Town had been approached about converting the Kellogg Road railroad crossing from a rubberized grade crossing to a concrete grade crossing. Councilman Waszkiewicz inquired if the Town would support these efforts; the Board will consider and discuss this matter in the near future.

Economic Development Zones

Councilman Waszkiewicz informed the Board that the State has revamped their interpretation of the empire economic development zones and that the good news is that

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the land bank that the Town and EDGE helped develop is in place and the rifled zone that was put into place has been “grandfathered” but all future empire economic development zones will now again be required to be contiguous to zones. Councilman Waszkiewicz will keep the Town Board abreast of new developments.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

AUDIT OF VOUCHERS

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

(RESOLUTION NO. 290 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. 5A	\$536,595.00
General Fund, Whole-Town Abstract No. 22	\$ 35,327.21
General Fund, Part-Town Abstract No. 13	\$ 4,518.86
Highway Fund Part-Town Abstract No. 17	\$ 22,787.04
Highway Fund Part-Town Abstract No. 18	\$ 4,850.00
Sewer Fund Abstract No. 13	\$ 33,845.17
Highway Equipment 2002 Capital Abstract No. 1	\$ 8,337.00
Highway Equipment 2001 Capital Abstract No. 2	\$ 5,000.00
TOTAL:	\$651,260.28

The Bookkeeper is hereby directed to subtract the New York State sales tax from the voucher for repairs to the New Hartford Adult Dining and Activity Center bus.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

FEMA REFUND

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Upon recommendation of Bookkeeper Carol Fairbrother, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 291 OF 2002)

RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 256 presented by Highway Superintendent Cleveland and adopted June 19, 2002 so that the **FEMA refund** shall be paid from the following accounts:

Highway Part-Town Revenue Account DB47890 - \$113.52
Highway Part-Town Revenue Account DB27700 - \$ 97.00
TOTAL REFUND: \$210.52.

Upon roll call, the Board voted as follows:

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

Resolution No. 291 was declared unanimously carried and duly adopted.

Teamsters Health Insurance

The Village of Ilion has this insurance for their employees for five (5) years and the Village of New York Mills has subscribed for coverage for nine (9) months and both municipalities are satisfied with the health insurance plan. If the Town were to offer this plan to employees, the Town would be required to provide a thirty (30) day termination notice to the current provider; the Town would be locked into the Teamsters Health Insurance plan for the duration of a three (3) year contract. After some discussion on offering this plan to Town employees, the Town Board directed the Personnel Assistant to prepare a spreadsheet on cost comparison and benefits.

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

(RESOLUTION NO. 292 OF 2002)

RESOLVED that the New Hartford Town Board does hereby propose to offer the Teamsters Health and Welfare Insurance plan to full-time Town employees and officials, that being the identical insurance plan enjoyed by the Highway Department employees

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under their Union Contract, contingent upon the benefits being equal to or better than existing health insurance coverage and further contingent upon the Police Benevolent Association accepting the Teamster's plan for police officers.

The Resolution was voted upon by 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.

ATTORNEY FOR THE TOWN

Dangerous Dog Case

Attorney Rossi reported that this case went extremely well and that the owner (Rankin) of the dog pleaded guilty.

Land Option / Husted property

Upon the Town's receipt of a signed Option Agreement, the Town needs to send a check for Five Hundred Dollars (\$500) to the Husted's attorney as discussed at the June 5, 2002 Town Board meeting.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Waszkiewicz and seconded by Councilman Woodland, the meeting was adjourned at 11:53 P.M.

Respectfully submitted,

Sarah A. Long
Deputy Clerk II