

**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,  
AUGUST 7, 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:** Highway Superintendent Roger A. Cleveland  
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**

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

**(RESOLUTION NO. 314 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 June 19, 2002 and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**PUBLIC PRESENTATIONS**

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### Agreement - Snow and Ice Control on County Highways:

Oneida County Legislators James D'Onofrio and Brian Miller were present at the Town Board's invitation to discuss concerns regarding the Agreement for Control of Snow and Ice on County highways. Legislator D'Onofrio commended the Town Highway Department's care and attention to roads, ditches and matters of the highway, stating "...they always go above and beyond their duties where the roads are concerned". The County is aware that the compensation paid to towns is considerably less than what it costs the Town to plow and sand County roads. In 1989, the County was paying towns \$1,550 per mile versus \$3,050 per mile presently being paid. The problem facing the County government now is the Medicaid expense of about \$32,000,000 that is expected to increase drastically next year. Oneida County collects about \$46,000,000 in property taxes. "To give more money at this point ....", continued Legislator D'Onofrio, "you won't see one (1) legislator **NOT** support [an increase] **BUT** what comes out of the budget process is yet to come." Legislator D'Onofrio and Highway Superintendent Cleveland had discussed:

- plowing of NYS Route 12B in front of Clinton Road School because it doesn't make sense for the County to plow a State road – the answer he's getting is that the State would probably take it back rather than give it to someone else
- the County plows only State roads and doesn't have dual territory
- the argument regarding time and materials compensation, setting standards for compensation
- argument concerning the accounting aspect - dual constituency, need to break down the time and material usage each week for State audit purposes. Would be an accounting nightmare.

Legislator Brian Miller said he was not sure of what kind of equitable plan would arise from this difficult issue. He agreed with Legislator D'Onofrio's remarks on the matter. Councilman Backman said that if the County plows State Roads and the Town plows County Roads then isn't there quite a disparity in rate? Legislator D'Onofrio said that the County's commitment to maintaining the roads has increased over the past several years; the road-resurfacing budget was 1.3 or 1.7 million dollars vs. the Medicaid budget. Oneida County now is budgeting 2.7 million dollars. Councilman Waszkiewicz acknowledged the County's collection of \$46,000,000 in property taxes, \$50,000,00 in sales tax and funding for other programs and he believed the New Hartford residents are shouldering more than their fair share and he seeks Legislator D'Onofrio's support on redesigning of sales tax. Legislator Miller says that if the County reaches those growth numbers, he believes the towns should share in the excess of sales tax revenue. Discussion continued after which Councilman Backman said the Town can't keep plowing County Roads at a deficit, and Councilman Waszkiewicz asked Legislator D'Onofrio to seek a different level of compensation for maintaining roads and for sales tax redistribution.

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### **Transportation – “Handicapped Person” Signs**

Councilman Backman, who had discussed this matter with the Town Highway Superintendent and Police Chief, requested Oneida County Legislator D’Onofrio’s support for the erection of a “wheelchair sign” on Chapman Road, a county highway. A handicapped individual has recently moved onto Chapman Road and plans to ride her electric wheelchair down and up Chapman Road to the TOPS market on Kellogg Road. Legislator D’Onofrio said that he’d meet with Councilman Backman to discuss the matter in further detail.

### **Road Dedication - Sherman Oaks Drive**

Terrence Martin, Manager of the Sherman Oaks Condominium Complex, made a plea on the behalf of the Homeowners Association for acceptance of Sherman Oaks Drive as a public highway. He familiarized the Town Board with various meetings over the past two (2) years with the Town Highway Superintendent relative to dedicating Sherman Oaks Drive as a Town highway, after the Highway Superintendent concurred it was a procedural matter, addressing items such as:

- possibility of bringing Sherman Oaks Drive up to Town specifications
- necessity of catch basin repairs, surfacing issues, boxing out etc.
- contacted several contractors for cost estimates on above
- received permission from Homeowners Association to pursue dedicating Sherman Drive as a town road
- issue of snowplowing, whether Town could plow or Homeowners Association would continue to assume the responsibility
- legal fees incurred for metes and bounds description of Sherman Oaks Drive and legal documents
- encounter of problems about diminished width and permission needed from New York State Department of Transportation
- in Spring of 2002, reviewed the snowplowing issue with Councilman Waszkiewicz whose thought was that if the Homeowners Association would take the responsibility of plowing Sherman Oaks Drive, then the Town could probably support the dedication of the road.

Mr. Martin thought that everything was on track and that things could be resolved but when the matter was brought to the Town Board in April 2002, the Resolution failed to get a second. He referred to several roads with alleged diminished widths accepted by the Town in past years:

- a road in Oxford Heights (formerly Woodbrooke Development) that is only 50 ft wide
- Cranberry Lane in Chestnut Hills

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and he sees no difference between these roads and Sherman Oaks Drive and asked the Town Board to reconsider their decision and to accept the road. Councilman Waszkiewicz was of the understanding that there is no other place in the Town that is so restricted as it is in Sherman Oaks complex. Highway Superintendent Cleveland noted that one section of the commonly owned width of Sherman Oaks Drive is only 43 feet wide. Councilman Butler says that there is no difference, that the Sherman Oaks condo residents are paying their taxes and deserve the same rights as other residents along Rockport Road, Oxford Towne and Chestnut Hills developments. Supervisor Humphreys stated that Town Planning Board minutes show that it was never intended for Sherman Oaks Drive to become a public road; if it were intended to be a public road, then it would have been approved and built accordingly to Town specifications.

Robert Waterbury, resident of the Sherman Oaks condominium complex, stated that the development was originally planned for three (3) bedroom apartments but was turned down by the Town Planning Board because there was no common area for children. It was then changed to accommodate two (2) bedroom apartments and the Town Board accepted those changes. Mr. Waterbury continued that just because the developer did not comply or indicate in the minutes for the roads to be taken over does not make sense. Things have changed and he believed the residents had not been given a straight answer. Allegedly, the residents had previously petitioned the Board for the acceptance of Sherman Oaks Drive in the early 1990's. Councilman Waszkiewicz said that he did not support the dedication of the road based on the recommendation of the Highway Superintendent and that there were conflicting issues regarding the width and snowplowing of the road; further, he said the Town's Attorney had advised against dedicating the road and having the Homeowners Association do their own snowplowing. Mr. Waterbury answered saying that the Homeowners Association would continue to plow the parking lot area and driveways. Councilman Backman requested that the Planning Board minutes be researched to determine what had been approved. He also would like to meet with Mr. Martin and the Highway Superintendent at this location and tape measure areas of conflict. Councilman Butler said that he would like to join the meeting and asked that this topic be placed on the Agenda for the August 21<sup>st</sup> Town Board meeting. Discussion ended at 8:19 P.M.

### **Fence – Upper Mohawk Regional Water Board property, Cascade Drive**

Bill and Mary Ellen Snyder, 41 Cascade Drive, New Hartford expressed their disapproval of the eight (8) foot barbed-wire fence that was erected by the Upper Mohawk Regional Water Board (UMVRWB) on Water Board property. Supervisor Humphreys had discussed this matter with UMVRWB officials who indicated they will continue fencing around the Water Board property to prevent people from climbing over, writing graffiti and protecting the water supply as an urgent safety precaution after the September 11, 2001 terrorist attacks. Mrs. Snyder objected to the aesthetically displeasing fence and felt it's inappropriate for a residential area. Councilman Waszkiewicz suggested Town Board

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members make an on-site inspection and consider the impact on the neighboring residents; he wasn't sure if the barbed-wire was necessary and hoped that the Town Board would support the Snyder's disdain, contact the UMVRWD and perhaps the State Representatives to have the fencing somehow changed. Consensus was reached for the Highway Superintendent to contact the UMVRWD, suggesting either the fence be moved or painted and that the Snyders also approach their neighbors for support.

### **Proposed Location - New Police/Court Building**

Michael Brady of 3 Harrogate Road, New Hartford, representing the Oxford Towne Residents Association, expressed concerned that

- the Husted property behind the New Hartford Public Library might be a potential site for the new police/court building
- this proposed project would lead to the opening of Bromwich Road
- nearby roads are very narrow
- lack of street lights in their development
- significant number of children and senior citizens in the neighborhood.

He is opposed to the opening of Bromwich Road and would like the Town Board to take this into consideration. The Town Supervisor said that he would oppose the opening of Bromwich Road if the Town should buy the Husted property and develop the location. An unidentified man says he has lived on Bromwich Road his entire life and believes bringing the police and court offices adjacent to the development would destroy the neighborhood. Councilman Waszkiewicz and Councilman Backman will provide updated information to the residents.

### **Proposed Drainage Project - Beechwood Road**

Mr. & Mrs. Patrick Sherman of 3 Beechwood Road, New Hartford wanted to clarify why they have yet to sign the easement for the Beechwood Road Drainage Project. They are the last family on Beechwood Road needed to sign an easement to allow the project to proceed. Mr. Sherman said that last year this project was terminated because three (3) Beechwood Road residents refused to sign necessary easements; the Highway Superintendent told him that there was nothing the Town could do, that the project was at a standstill. Mr. Sherman then took it upon himself to do corrective work on his own property. Now, the project is resurfacing and Mr. Sherman does not see why he should let the Town slice his property in half with an easement nor does he think it's right for the taxpayers to pay for the Town to work in property owners' backyards. Councilman Backman says that the Town has a stormwater management fund set aside for these types of situations. He also explained that there are some problems that can't be rectified by the homeowner but by an actual collaborated effort by a group. Mrs. Sherman said that the homeowners were aware of flooding problems when they originally bought their homes, herself included. She alleged these same families built family rooms in their

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basements and now expect the Town to solve their flooding problems. Mr. Sherman said that he will speak to his attorney about a temporary easement versus a permanent easement. They departed the meeting at 8:55P.M.

Councilman Backman recalled that the Town Board had agreed to condemn property if one (1) property owner refused to sign the necessary easement for the Beechwood Road Drainage project.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Cleaner Vacancy**

Lewis Smith, Cleaner, had informed the Highway Superintendent that he would like to retire in early fall of this year. Consensus of the Board was that the Personnel Assistant is to proceed with posting and/or advertising for candidates to fill this position when it becomes vacant.

**Job Title Change**

In behalf of the Personnel Assistant, Highway Superintendent Cleveland presented the following Resolution that was then introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 315 OF 2002)**

**RESOLVED** that, upon request of the Oneida County Personnel Department, the Town Board of the Town of New Hartford does hereby change Catherine Koury’s title of *Part-time Clerk* to Student Worker in the Highway-Codes Department, effective immediately.

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.

**Competitive Bid – Reconstruction of Bleachery Avenue Bridge**

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

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**(RESOLUTION NO. 316 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford shall receive sealed bids for the General Construction for the replacement of the Bleachery Avenue Bridge over Sauquoit Creek, in accordance with Town specifications. All bids are to be received in the Town Clerk's Office no later than 10:45 A.M. on Tuesday, September 10, 2002 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

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

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Water Improvement - Snowden Hill Road/Tibbitts Road area**

The Upper Mohawk Valley Regional Water Board supposedly has authorized \$2,000 toward the proposed Snowden Hill Road/Tibbitts Road Water Project. Upon recommendation of the Highway Superintendent, the following Resolution was introduced by Councilman Backman and duly seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 317 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute a letter pertaining to a hardship request for funding from the Rural Development Agency to assist in construction of the proposed Snowden Hill Road/Tibbitts Road Water Project.

A roll call vote was duly held as follows:

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

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

**Water Improvement – Woods Highway area**

As the Town of Whitestown is installing a domestic water main up to the Whitestown-New Hartford municipal boundary, Highway Superintendent Cleveland had contacted Councilman Woodland to determine his support in efforts to continue this water main along Woods Highway in the Town of New Hartford; this continuation would complete a loop from Whitestown’s water main to the existing water main along Seneca Turnpike in the Town of New Hartford.

Thereafter, Councilman Woodland offered the following Resolution for adoption and Councilman Waszkiewicz seconded same:

**(RESOLUTION NO. 318)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with Burley-Guminiak & Associates at a cost not to exceed Twenty-five Hundred Dollars (\$2500), the latter to commence a preliminary study to determine the feasibility of extending a water main along Woods Highway within the Town of New Hartford.

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. 318 was declared unanimously carried and duly adopted.

**New Hartford Consolidated Water District – former Washington Mills Water District**

The Highway Superintendent and Attorney for the Town, Vincent Rossi, Jr., have been investigating whether the former Washington Mills Water District area could be included in the Town’s Consolidated Water District thereby expanding into a larger area so that improvements and repairs might have a larger tax base. Attorney Rossi will review a 1984 Engineering Report, revised in 1985, received from the Town Clerk and he asked that this matter be placed on the Agenda for the August 21, 2002 Town Board meeting. He had also forwarded a letter on this subject to the Town Board.

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**Competitive Bid - Sanger Public Works Garage Roof**

The Highway Superintendent distributed copies of a spreadsheet containing bid figures received for the Sanger Public Works Garage Roof Project. After the Town Board voted two weeks ago to award the bid to Lawrence Rieben & Sons, Inc., the apparent low bidder, the Highway Superintendent met with several people including another bidder and created this spreadsheet. The Superintendent stated that Rieben is qualifying his bid and that his bid does not including tapered insulation everywhere as the Town had requested. Pulver Roofing, the second lowest bidder, has offer tapered insulation along the full roof. Councilman Backman said that nothing was presented to the Board about Rieben's qualifier at the last meeting and that had the Town Board known about this information then the Board might not have taken the action they did on July 24, 2002.

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

**(RESOLUTION NO. 319 OF 2002)**

**WHEREAS**, in June 2002 the Town Board received competitive bids for Roof Repair at the Sanger Public Works Garage; and

**WHEREAS**, after canvassing all bids received, the Highway Superintendent presented the canvass results to the Town Board and on July 24, 2002 a Resolution was adopted awarding the Roof Repair project to the apparent low bidder, Lawrence Rieben & Sons, Inc.; and

**WHEREAS**, subsequent to the July 24, 2002 bid award, the Highway Superintendent presented new information regarding tapered insulation of the roof;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby **revoke** the Letter of Intent to award the Roof Repair contract to Lawrence Rieben & Sons, Inc. and does hereby **reject** all bids received June 28, 2002 due to the qualifiers and exceptions which had been brought to the attention of the Town Board.

A roll call vote was duly held as follows:

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

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The Resolution was declared unanimously carried and duly adopted.

**Competitive Bid – Return of Bid Security**

Councilman Backman then moved the adoption of the following Resolution that was duly seconded by Councilman Woodland:

**(RESOLUTION NO. 320 OF 2002)**

**WHEREAS**, the New Hartford Town Board has rejected all bids received on June 28, 2002 for the Re-roofing Project for the Sanger Public Works Garage;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby authorize and direct the Town Clerk to release all bid bonds received June 28, 2002 on this project and for the Bookkeeper to refund the Twenty Dollar (\$20) bid specification fee to all companies that submitted bids.

The Supervisor polled the Board who voted as follows:

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

**Re-Advertise Competitive Bid - Sanger Public Works Garage Roof**

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

**(RESOLUTION NO. 321 OF 2002)**

**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. All bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Wednesday, August 21, 2002 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

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

The Town Board voted upon roll call as follows:

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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.

**Declaration of Emergency Situation - Applewood Pump Station**

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

**(RESOLUTION NO. 322 OF 2002)**

**WHEREAS**, the Town Board has determined that the Applewood Pump Station requires replacement for the health, welfare and safety of the residents of the Town; and

**WHEREAS**, in part, the reason for the replacement is the failure of the Pump Station to accept all of the sanitary and I/I flow; and

**WHEREAS**, during rain events the Pump Station influent lines surcharge causing overflow of raw sewerage on residential property; and

**WHEREAS**, the Town Board has contracted with Clough Harbor and Associates to prepare Plans and Specifications for a replacement Pump Station, valve pit and electrical control panel; and

**WHEREAS**, the Plans and Specification are complete and ready for obtaining quotes for furnishing said replacement Pump Station and appurtenances;

**THEREFORE, BE IT RESOLVED** that, due to the imminent health, safety and welfare situation created by the frequent failure of the existing Applewood Pump Station, the Town Board does hereby declare this matter an emergency situation and does authorize Clough Harbor, on behalf of the Town, to obtain quotes from a minimum of three qualified contractors and to submit said quotes to the Town prior to August 21, 2002 for Town Board authorization to commence with the installation of the replacement facilities.

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.

**Request for Proposal (RFP) – Town Offices**

Having been charged in July 2002 to prepare an RFP, the Highway Superintendent requested further direction from the Town Board regarding the consolidation of town offices and asked the Town Board to identify:

- the site
- offices to be included, i.e., police, courts and any other.

Supervisor Humphreys suggested doing an RFP for an addition to the Sanger Public Works Garage, and also inquiring of several local contractors an order of magnitude cost for squaring off the Sanger Public Works Garage, in adding a single-story wing to one side of the Garage.

Police Chief Raymond Philo has talked with a consultant regarding a new police/court building, including the process that must be followed, a suggested time line, SEQR process, and numerous legal procedures that must be done by September 6, 2002 in order to put this project to a referendum at the November 5, 2002 General Election. The Town must identify a site in order to proceed with SEQR. A lengthy discussion ensued after which the Town Board directed Chief Philo to contact the consultants and tell them the site has not been chosen and that their services will not be needed at this time; however, they will be contacted when a site has been selected.

**Competitive Bid - Sander Box**

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

**(RESOLUTION NO. 323 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford shall receive sealed bids for the purchase of one (1) Stainless Steel Sander Box, 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 Wednesday, August 21, 2002 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

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

The Town Board voted upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Stormwater**

The Highway Superintendent and Senior Engineering Technician John Meagher finalized the stormwater criteria for Town assistance; “if it (stormwater) deals with public water and roadside runoff and where the Town has an existing easement, the Town would not go into residents’ backyards.”

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

**(RESOLUTION NO. 324 OF 2002)**

**WHEREAS**, Councilman Waszkiewicz has previously identified five (5) stormwater issues in the Second Ward and has sought resolution to these problems; and

**WHEREAS**, Councilman Waszkiewicz has appealed that the Town Board authorize the restorative work to be funded from the Stormwater Management Improvement bond;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Highway Department to perform the necessary stormwater repairs for an aggregate cost not to exceed Ten Thousand Dollars (\$10,000) at the following locations:

- Slaytonbush Lane
- Sedgewick Park
- Taber Road
- Royal Brook Lane
- Wadsworth Road.

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The Town Board 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.

**Agreement – Snow and Ice Control on County Roads**

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

**(RESOLUTION NO. 325 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Dennis S. Davis, Deputy Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on County Roads for the Snow Season dating from November 1, 2002 through April 30, 2003, and as more fully set forth in an Agreement on file in the New Hartford Town Clerk's Office.

The foregoing Resolution was duly put to vote upon roll call that resulted as follows:

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.

**Installation of Traffic Control Device (Alternating Flashing Light) – Chapman Road**

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

**(RESOLUTION NO. 326 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the Town Supervisor, Town Clerk and Highway Superintendent to execute the APPLICATION AND

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PERMIT FOR INSTALLATION OF TRAFFIC CONTROL DEVICES, INCLUDING SIGNS, ALONG COUNTY ROADS BY A TOWN BOARD IN CONFORMANCE WITH SECTION 136 OF THE HIGHWAY LAW, and specifically relating to one (1) set of alternating flashing amber lights on Chapman Road about one tenth of a mile east of the Weston Road intersection.

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.

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

**Higby Hills Street Light District – additional lights**

After having conducted a neighborhood meeting on August 6, 2002, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 327 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Niagara Mohawk Power Corporation to install a minimum of seven (7)/ maximum of eight (8) 100-watt high-pressure sodium street lights at locations on Pebble Creek Lane specified on a sketch on file in the Town Clerk's Office, all within the existing Higby Heights Street Lighting District, with all associated costs and future energy costs to be borne by said Street Lighting District.

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.

**Change Order - Bulk Storage Barn**

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

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**(RESOLUTION NO. 328 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby approve Change Order No. 2 in a not-to-exceed amount of Four Thousand Three Hundred Dollars (\$4,300) necessitated because of a delay in moving electrical facilities for the salt storage barns being constructed by Bulk Storage and does hereby authorize and direct the Town Supervisor to execute said Change Order No. 2 between the Town and Bulk Storage, Inc.

The foregoing Resolution was duly put to vote upon roll call that resulted as follows:

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.

**Transportation – “Handicapped Person” Signs**

The Highway Superintendent had discussed “wheelchair” signs for Chapman Road (NOTE: Refer to Page 3 of these minutes) with Dennis Davis, Deputy Commissioner of the Oneida County Department of Public Works, who said Oneida County will erect the necessary signs cautioning motorists that a disabled person will be traveling Chapman and Kellogg Roads in a wheelchair.

**POLICE CHIEF:**

**Litigation - Rende Vs Town**

The Town Board authorized Councilman Butler and Police Chief Philo to meet with New Hartford Village Mayor Reynolds relative to this pending lawsuit, the latter of whom will discuss the matter with the Village Board. The Town Board reached a consensus that the Town Supervisor be authorized to settle this lawsuit involving the “Show Time” property for Five Hundred Dollars (\$500), with discretionary authority not to exceed One Thousand (\$1,000).

**Speed Limit Reduction – Sedgewick Park**

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

(RESOLUTION NO. 329 OF 2002)

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**RESOLVED** that the Town Board of the Town of New Hartford does hereby request the New York State Department of Transportation, pursuant to Section 1622.1 of the New York State Vehicle and Traffic Law, to establish a lower maximum speed of twenty-five (25) miles per hour [**area speed limit**] at which vehicles may proceed on **Sedgewick Park**, a Town highway, beginning and ending at Valley View Road; the Town Board hereby directs the Town Clerk to attach copies of resident petitions requesting the reduction in speed limit.

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.

**Complaints – Excessive Speed on NYS Route 5B**

Councilman Woodland made reference to the speeding problem along the north end of Middlesettlement Road (aka NYS Route 5B) near Pizza Hut. Police Chief Philo acknowledged another complaint received this week and the Police Department's radar trailer had been dispatched to the site. Some of the residents are looking for a speed limit reduction along this stretch of roadway.

Councilman Woodland and Superintendent Cleveland have an appointment August 15, 2002 to review NYS Department of Transportation traffic studies for Middlesettlement Road (NYS Route 5B).

**Request for Speed Limit Review – Higby Road**

Sidney Perry, Higby Road, had approached Councilman Waszkiewicz asking the Town Board to look at/review the speed limit on Higby Road. Mr. Perry suggested truck travel on Higby Road be restricted to 7:00 A.M. through 7:00 P.M. Chief Philo confirmed Councilman Waszkiewicz's thought that the Town cannot do this. Since Chief Philo has asked the State Police to bring their scales to Roberts Road, he will ask them to do the same on Higby Road.

**PERSONNEL:**

**Planner-Grant Writer**

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

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**(RESOLUTION NO. 330 OF 2002)**

**WHEREAS**, the Town of New Hartford did not receive any positive responses through the Oneida County civil service canvass process for the position of Planner/Grant Writer;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby authorize and direct the Personnel Assistant to advertise the vacant position of Planner/Grant Writer in the American Planning Association trade journal, Chicago, Illinois.

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.

**TOWN CLERK:**

**Zone Text Amendment – Congregate Residence**

Having received the written recommendations from the Town Planning Board and Oneida County Planning Department and having received draft legislation in June 2002, the following legislation was introduced by Councilman Backman, co-sponsored by Councilman Woodland, for the Board’s consideration at a future public hearing:

**TOWN OF NEW HARTFORD  
LOCAL LAW INTRODUCTORY NO. TWO OF 2002**

**A Local Law** to amend the Code of the Town of New Hartford, Chapter 118 thereof entitled **ZONING**, by amending the Schedule of Use, Area and Bulk Regulations for a **PDMU** – Planned Development Mixed Use District and specifically, the list of Site Plan Review Uses (Page 11943).

Be it enacted by the Town Board of the Town of New Hartford as follows:

**Section 1.** Chapter 118 of the Code of the Town of New Hartford, the Schedule of Use, Area and Bulk Regulations for a PDMU – Planned Development Mixed Use District, is hereby amended as follows:

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Schedule of Use, Area and Bulk Regulations for a PDMU

Add the following:

<i>Site Plan Review Uses:</i>	Congregate Residence
<i>Minimum Lot Size (Area):</i>	20,000 square feet
<i>Minimum Lot Size (Minimum Width):</i>	100 feet
<i>Maximum Lot Coverage:</i>	40%/50%
<i>Minimum % of Lot to be Permeable:</i>	60%/50%
<i>Maximum Building Height:</i>	35 feet
<i>Minimum Yard Dimensions (front):</i>	50 feet
<i>Minimum Yard Dimensions (each side):</i>	15 feet
<i>Minimum Yard Dimensions (rear):</i>	30 feet.

**Section 2.** All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**Section 3.** This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

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

**(RESOLUTION NO. 331 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby schedule a **Public Hearing** to commence at **8:00 P.M.** on Wednesday, **August 21, 2002** in the Kellogg Road Community Center Building at which time and place the said Town Board will consider **Local Law Introductory No. Two of 2002** which, if adopted, would amend the text of the Zoning Law of said Town and specifically, the list of Site Plan Review Uses for a PDMU – Planned Development Mixed Use District, to include Congregate Residence as well as the applicable lot requirements; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

The Resolution was voted upon by roll call 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.

**Recreational Trail – Judd Road Connector**

In a recent communication to the Town, the New York State Department of Transportation has requested that the Town maintain the recreational trail to be built in the Town as part of the Judd Road connector project. The prior Town Board took no action on this request. The matter was tabled until the Highway Superintendent has a chance to review the request.

**REPORTS OF COUNCILMEN / ATTORNEY FOR THE TOWN**

**COUNCILMAN BACKMAN:**

**Motor Pool Committee**

Councilman Backman had discussed with the Highway Department mechanics the process of repairing town vehicles, including the maintenance log “billed out” by the Highway Department Clerk to the respective Department. There appears to be no way of aggregating costs for specific vehicles; therefore, Councilman Backman proposed that the Town consider buying Fleet maintenance software that would record information about each Town vehicle. Councilmen Backman and Woodland will meet to further discuss this idea and report at the August 21, 2002 Town Board meeting.

**Request for Road Name Change**

Councilman Backman received a copy of a petition filed in the Town Clerk’s Office requesting that Old Roberts Road be renamed to DiGeorge Lane. Councilman Backman will schedule an informational meeting for the neighboring property owners, the Town Police and the Willowvale Fire Chief for their opinions.

**COUNCILMAN BUTLER:**

**Safety Committee**

Councilman Butler requested guidance as to the next step relative to the proposed Safety and Health Policy for employees. He acknowledged Attorney Vincent Rossi’s letter on OSHA’s Safety Policy and that Attorney Rossi will forward copies to the Safety Committee. Attorney Rossi has reviewed the Safety Committee’s recommendations and

approves same. Supervisor Humphreys will schedule a meeting with Robert Payne, Safety Committee Chairman.

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

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**(RESOLUTION NO. 332 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby approve the Safety and Health Policy recommended by the Safety Committee, attached hereto as Schedule "A" and made a part of this Resolution and does hereby authorize and direct the Personnel Assistant to include said Safety and Health Policy in the Employee Handbook.

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.

**Proposed Sewers - Old Paris Road**

Councilman Butler will meet with (Old) Paris Paris Road residents on Wednesday, August 21, 2002 at 5:30 P.M. in the Kellogg Road Community Center Building.

**COUNCILMAN WASZKIEWICZ:**

**Agricultural Status Notification**

The Agricultural Status Notification was an agreement between the Board of Realtors and a Codes Enforcement Officer who would provide a written notice acknowledging the agricultural status of land to prospective property owners. Councilman Waszkiewicz will talk to Codes Enforcement Officer Gerald Back about instituting a procedure for the Town and give a report in the near future.

**Planner/Grant Writer**

Connie Miner has yet to give the Town a report but is expected to do so by August 21, 2002.

**Agenda Items**

Due to the late hour, Councilman Waszkiewicz tabled the remaining items under his name until the August 21, 2002 Town Board meeting.

**ATTORNEY FOR TOWN:**

**Karrat Certiorari Proceeding (Assessment)**

Attorney Rossi will meet with New Hartford Central School officials in the Fall and suggested a special meeting might be needed to discuss this matter

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**MATTERS SUBMITTED BY TOWN SUPERVISOR:**

**AUDIT OF VOUCHERS**

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

**(RESOLUTION NO. 333 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. 19	\$ 425.00
General Fund, Whole-Town Abstract No. 20	\$ 20.00
General Fund, Whole-Town Abstract No. 21	\$ 69,607.54
General Fund, Part-Town Abstract No. 12	\$ 21,419.99
Highway Fund Whole-Town Abstract No. 6	\$ 26,683.82
Highway Fund Part-Town Abstract No. 15	\$ 107.99
Highway Fund Part-Town Abstract No. 16	\$ 22,620.48
Sewer Fund Abstract No. 12	\$ 2,892.75
Street Light Fund Abstract No. 7	\$ 7,020.73
Water Fund Abstract No. 4	\$ 2,100.00
Air-Conditioning Project Abstract No. 3	\$ 6,030.00
<b>TOTAL:</b>	<b>\$158,928.30</b>

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

**Fairway Estates Railroad Crossing**

Local Law No.15 of 2001 is not valid pursuant to Ellen McDonald of the State Comptroller's Office since there's no authority for the Town to create a Railroad Crossing District; and, therefore, the Town Board has no authority to establish such a District and levy any taxes. Attorney Rossi will review and determine if there is an alternative solution the Town can undertake.

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**Budget Transfer - Attorney Contractual Service**

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

**(RESOLUTION NO. 334 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to transfer monies in the amount of Thirty-Five Thousand Dollars (\$35,000) from General Fund Account 1420.1 to General Fund Account A1420.4 for Attorney Contractual Expenses.

A roll call vote ensued:

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

This Resolution was declared unanimously carried and duly adopted.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting adjourned at 11:56 P.M.

Respectfully submitted,

Sarah A. Long  
Deputy Town Clerk II

Gail Wolanin Young, CMC/RMC  
Town Clerk