

**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,  
SEPTEMBER 18, 2002 AT 7:00 P.M.**

In the absence of the Town Supervisor who was on vacation out of State, the Deputy Town Supervisor/Councilman Backman 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.

**ABSENT:** Supervisor Ralph B. Humphreys

**OTHER TOWN OFFICIALS:** Attorney for the Town, Vincent J. Rossi, Jr.  
Codes Enforcement Officer Gerald Back  
Highway Superintendent Roger A. Cleveland  
Parks and Recreation Director Michael W. Jeffery  
Police Chief Raymond Philo (arrived at 7:15 PM)  
Deputy Town Clerk I Margaret M. Jones and Deputy  
Town Clerk II Sarah A. Long

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who had a family educational commitment in Syracuse, the Deputies Town Clerk were present to record the proceedings.

**MINUTES**

After reviewing minutes received, Councilman Waszkiewicz expressed concern that certain agenda items in the minutes had not been either placed under his name or credited to him when discussed at various times during the meeting; he mentioned two or three pages when his items had been discussed during Reports of Town Officials. Thereafter, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 366 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 July 9, 2002, and does further waive the reading of the same.

Upon roll call, the Town Board voted as follows:

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

The Deputy Supervisor declared the Resolution unanimously carried and duly adopted.

Action on the July 24, 2002 Town Board minutes was deferred.

### **PUBLIC PRESENTATIONS**

#### **FLASHING LIGHT – CHAPMAN ROAD:**

Gordon Cobb, 9491 Chapman Road acknowledged installation of the flashing light but thought that the light was supposed to be placed at the intersection of Weston Road and Chapman Road. He inquired as to when the light was installed, how the location was determined and the cost of installing the light. Mr. Cobb stated that most of the accidents happen on the upper portion of the Chapman Road rather than the lower portion and he believed the light should have been placed on the right side of the road going up Chapman Road. Mr. Cobb asked the Board if there was enough money left over to possibly place another caution light on the road. Highway Superintendent Roger Cleveland stated that there is money left over but added that the light placement will be determined by observation by the Police Department. Deputy Supervisor Backman asked Mr. Cobb if he wanted the flashing light at the intersection or erected as vehicles go up Chapman Road. Mr. Cobb stated that he would rather have the light at the intersection. Deputy Supervisor Backman inquired if the Town could successfully implement that, would Mr. Cobb be satisfied and Mr. Cobb stated, "yes". Deputy Supervisor Backman recommended that the Highway Superintendent estimate the cost of a caution light at the intersection of Weston and Chapman Roads and the cost of a timer on the existing light. It is the understanding of the Highway Superintendent Roger Cleveland that the area at Weston and Chapman Road had been intended to be lighted as a "school zone" area. The reason for the timer on the present caution light is that the flashing of the light does cause some problems within the homes of area residents. Highway Superintendent Roger Cleveland stated that the cost of the timer for the caution light is One Hundred Ninety-Five Dollars (\$195). Dennis Thompson of Christopher Circle also inquired as to the cost of the light. The Highway Superintendent stated that the cost of the light was Five Thousand Eight Hundred Fifty Dollars (\$5850). The Highway Superintendent will get the estimate requested by the Deputy Town Supervisor and will report back to the Board.

### **REPORTS OF TOWN OFFICIALS**

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**CODES ENFORCEMENT OFFICER:**

**Building Permit**

Codes Enforcement Officer Gerald Back reported a problem encountered with an August 2002 Building Permit issued to Santo Saporito, 234 Higby Road, to erect a shed; the Codes Department had told Mr. Saporito that the set back for the shed needed to be ten feet (10') from the side property line and five feet (5') from the rear property line. However, when Mr. Saporito completed the Building Permit application, he had reversed the set backs and the Codes Department issued the permit. Codes Enforcement Officer Back explained that his department was not aware of the problem until Mr. Saporito's neighbor had complained. Codes Enforcement Officer Back accepted full responsibility for this error, an honest mistake that was not caught. Mr. Saporito has placed a concrete slab on the area. The Codes Enforcement Officer had obtained two (2) quotes for removal of the slab:

D'Amore Masonry	–	Seventeen Hundred Dollars (\$1700)
Padulla Masonry	–	Fifteen Hundred Fifty Dollars (\$1550).

Councilmen Waszkiewicz and Backman have both communicated on this matter. Councilman Waszkiewicz stated that the homeowner, in his confusion, had erected the slab and that in fairness to the owner, the Town should take care of removing the slab. Councilman Woodland asked if there were any plans in place so that this does not happen again. The Deputy Town Supervisor stated that this was an honest mistake and agrees that the Town should assist with any costs involved with the removal of this slab. The Deputy Town Supervisor believes that there is a Zoning Board meeting next week and that the matter should be brought to their attention. If the Zoning Board feels that the placement of this slab is O.K., then the Zoning Board could possibly grant a variance to Mr. Saporito; the Town should waive the Forty Dollar (\$40) variance application fee. Deputy Supervisor Backman believed that the Zoning Board of Appeal should decide this matter. Councilman Butler stated that if there was some type of monetary compensation for this five (5) feet then maybe the Town should go that route. This monetary compensation would be for the neighbor. Councilman Waszkiewicz was of the understanding that the neighbor was out of town until the end of the month and Councilman Waszkiewicz does not feel that this is what the neighbor is looking for. Deputy Supervisor Backman and Councilman Butler suggested the Board should talk with Attorney Rossi and send to the Zoning Board Of Appeal to see if there are any other options. Councilman Waszkiewicz would like not to inconvenience either the homeowner or the neighbor. Councilman Waskiewicz would like to make a motion to have the remedy placed with an independent contractor to insulate the Town against any more liability for Fifteen Hundred Fifty Dollars (\$1550) or less. Codes Enforcement Officer Gerald Back stated that there is money in his budget for this. Councilman Woodland asked what the Zoning Board of Appeal would do. Deputy Supervisor Backman explained the options. Councilman Butler asked the Codes Enforcement

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Officer if the low bidder had given a time frame to complete the work. The Codes Enforcement Officer stated that it was his understanding that the homeowner was going to be getting another bid tonight. Based upon the recommendation of Codes Enforcement Officer Gerald Back, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 367 OF 2002)**

**WHEREAS**, the Codes Department did issue a building permit to Santo Saporito to erect a Garden Utility Shed on his property located at 234 Higby Road, Utica, New York, Tax Map No. 329.020-8-24; and

**WHEREAS**, it was brought to the attention of the Codes Enforcement Officer Gerald Back that the owner did not erect the concrete slab on the property according to the set backs required by Codes; and

**WHEREAS**, it was discovered that at the time of issuance of Building Permit No. 02-3396 the measurements for the Rear and Side Yard Backs had been reversed by the applicant;\*(amended – refer to December 14, 2002 Town Board minutes)

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize Codes Enforcement Officer Gerald Back to contact an independent contractor to resolve the matter at a cost of Fifteen Hundred Fifty Dollars (\$1550) or less.

Upon roll call, the Board members voted as follows:

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

The Deputy Supervisor declared the Resolution carried and duly adopted.

**PARKS AND RECREATION DIRECTOR:**

**Appointments – Part-time/seasonal Park & Recreation employees**

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

**(RESOLUTION NO. 368 OF 2002)**

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**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 September 15, 2002 through April 30, 2003:

<u>Name</u>	<u>Position</u>	<u>Hourly Rate of Pay</u>
Daniel Maycock	Ice Attendant	\$5.65
Shauna Noggle	Ice Attendant	5.65
Michael Chiellino	Ice Attendant	5.65
Jennifer Tesak	Ice Attendant	5.65
Joanna Cozza	Ice Attendant	5.65
Daniel Kunze	Ice Attendant	5.65
Sara Stamboly	Ice Attendant	5.65
Sarah Gros	Sub-Ice Attendant	5.65
Peter Logue	Zamboni Driver	7.65

The Deputy 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 Deputy Supervisor declared the Resolution unanimously carried and duly adopted.

**Training**

Upon request of the Parks and Recreation Director, the following Resolution was introduced by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 369 OF 2002)**

**WHEREAS**, Section 77-b of the General Municipal Law allows 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 Mark Roller to attend the Turf Management School being held in Cooperstown, New York, on Wednesday, September 25, 2002 with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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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.

**HIGHWAY SUPERINTENDENT:**

**Part-time Cleaning Position**

Superintendent of Highways Roger Cleveland reported that no one has applied for the vacant, part-time Cleaner position and asked permission to advertise a Help Wanted position. Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 370 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to the Highway Superintendent to place a four (4)-line advertisement in the Utica Observer-Dispatch for the position of part-time cleaner and that the cost of the advertisement in the amount of Forty-five (\$45) Dollars shall be charged to the Buildings and Grounds Budget.

The Resolution was voted upon by roll call 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.

**Easement - Bleachery Avenue Bridge Replacement**

The Highway Superintendent reported that a temporary easement, a part of the New York State Department of Transportation process, is needed for the bridge replacement project and the Town needs to accept this donation language before the project can continue. Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 371 OF 2002)**

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**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor and Highway Superintendent to execute the temporary easement maps required by the New York State Department of Transportation for the Bleachery Avenue Bridge Project.

The Resolution was voted on 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.

### Transportation Needs

The Herkimer-Oneida County Transportation Study Committee will meet on Thursday, September 26, 2002 at which time the Highway Superintendent will recommend that the Kellogg Road railroad crossing be included in the **TIP** Program. He will also recommend that the Chenango Road Bridge be included. Does the Board have any other concerns that they would like this committee to address? Councilman Waszkiewicz suggested that Kellogg Road be a part of the paving program. The Highway Superintendent stated that Oneida County Department of Public Works intends to resurface this road this paving season.

### Underground Facility Protection Organization (UFPO)

The Highway Superintendent reported that one system being considered would cost around Seven Thousand Dollars (\$7000). It appears that another line will need to be added at the Sanger Public Works Garage because the UFPO requires a dedicated fax line with no interruptions. The Deputy Town Supervisor asked if the fax machine is adequate for now and suggested that this matter be put in the budget for next year. The Highway Superintendent will call the UFPO to see if this is acceptable to them and will report to the Board.

### Paving

The Highway Superintendent reported that Morgan Lane needs to be repaved this year and that a portion of Sessions Road between Mallory and Mohawk is deteriorating rapidly and needs consideration. He will report at the October 2, 2002 Town Board meeting requesting additional funding for this project; the bid price this year is Thirty-eight Dollars (\$38) a ton.

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**Competitive Bid Results - Sidewalk Construction**

The Highway Superintendent reported that Bids were opened for Sidewalk Construction on September 13, 2002 as follows:

J.A.M. Enterprises 487 Pine Push Road Mohawk, NY 13407	Total Installed Cost -	\$20,000.00
Murphy Excavating Corporation 9309 Chapman Road New Hartford, NY 13413	Total Installed Cost -	\$28,382.10
D'Amore Masonry 4067 Route 12 New Hartford, NY 13413	Total Installed Cost -	\$11,714.00

The Highway Superintendent stated that the Highway crews would be preparing the sites and removing any existing sidewalks and providing the granular base. The Contractor will grade, frame and pour. Upon the recommendation of the Highway Superintendent, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 372 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent Roger A. Cleveland to issue a Letter of Intent to award the Sidewalk Construction Bid to the low bidder, D'Amore Masonry, contingent upon the Town's receipt and approval of bonds and insurances.

Upon roll call, The Town Board members voted 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.

**TOWN CLERK:**

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**Zone Map Amendment Application - Fifth Garden Park (Parkview Estates)**

Upon recommendation of Highway Superintendent Cleveland (member of the Steering Committee on Planning), Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 373 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the Zone Map Amendment Application for Parkview Estates Mobile Home (Fifth Garden Park, Inc.) and does hereby authorize to begin the SEQR process, and to refer to all interested agencies the Application including the Town Planning Board and the Oneida County Planning Board.

The above Resolution was voted on 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.

**Zone Map Amendment Application – Charles Sitrin Health Care Center**

Having met with the Town Clerk earlier in the week, Highway Superintendent Cleveland stated that the applicant has met all requirements for submittal to the Town Board. The Town Clerk has sent reminder letters to those agencies that did not respond to the Town's initial referral in May 2002.

**Dinner Meeting - Oneida County Association of Towns**

Upon presentation of Deputy Town Clerk I Margaret M. Jones, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 374 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the Highway Superintendent and Deputy Highway Superintendent to attend the Oneida County Association of Towns' quarterly dinner meeting and for Bookkeeper Carol D. Fairbrother to issue a check in the amount of Twenty-One Dollars and Fifty Cents (\$21.50) payable to The Hulbert House for these officials who had attended the September 17, 2002 dinner meeting.

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The above Resolution was voted on 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.

**Fireworks Permit**

American Fireworks has presented an application on behalf of the new **TARGETS** for a fireworks display on October 12, 2002. Chief of Police Raymond Philo stated that he had just received the information via fax this afternoon and would like the opportunity to perform an on-site inspection to ensure compliance with the Penal Law. Attorney Rossi did not foresee a problem with approval, pending the Chief's verification. Thereafter, Councilman Backman introduced the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 375 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, and upon written notification and approval from the Chief of Police Raymond Philo that the area on which the display will comply with the Penal Law, to issue to Event Management and Promotions, Inc. (**TARGETS**) a Fireworks Display Permit for the display of fireworks upon their premises on October 12, 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 Beckman	-	Aye
(Supervisor Humphreys	-	Absent).

The Deputy Supervisor declared the Resolution unanimously carried and duly adopted.

**POLICE CHIEF:**

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**Mobile Office**

Several meetings ago a proposed site for the police station was determined not to meet the Town needs; as a result, the Police Chief suggested the Town Board lease an office trailer as a temporary use for additional storage and office space and to locate same near the existing Police Department. The cost to lease a 28' x 12' trailer would be Two Hundred Seventy Dollars (\$270) a month, with a one (1) time cost of delivery and blocking fee of Four Hundred Twenty-Eight Dollars (\$428). The appropriation for the 2003 budget would be Four Thousand Twenty-Three Dollars (\$4,023). The Chief requested authorization to execute the Agreement pursuant to the limits set forth in the quote. Having made an on-site inspection of existing police offices, Councilman Butler supported the Chief's request and believed this was a good idea as a short-term solution. Discussion continued on the exact location to place the mobile office without eliminating parking spaces for people attending various meetings at the Kellogg Road Community Center Building. A suggestion was made that the Village meeting room in Butler Memorial Hall be used for the meetings held at the Community Center; Councilmen Butler and Waszkiewicz were asked to look at the meeting room to determine if it can accommodate various groups. The following Resolution was offered for adoption by Councilman Butler and seconded by Councilman Woodland seconded as follows:

**(RESOLUTION NO. 376 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the Police Chief Raymond Philo to lease a 28' x 12' Mobile Office (24' x 12' box size) from Scotsman of Phoenix, New York for use by the Police Department as additional temporary space at a cost of Two Hundred Seventy Dollars (\$270) per month and also authorizes the payment of the one (1) time delivery fee of Three Hundred Ten Dollars (\$310) and the one (1) time Block and Level fee of One Hundred Eighteen Dollars, and be it further

**RESOLVED** that this lease will be on a month-to-month basis with no minimum term for said lease.

Upon roll call, the Board voted 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.

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**Resignation – School Traffic Officer**

The Police Chief had received the resignation of Patricia Kazajian as a School Traffic Officer and the required exit interview had been conducted. Mrs. Kazanjian will be relocating with her family to Dallas, Texas. Jane Kreutzer is currently filling the vacancy. It was the consensus of the Board that a thank you note be sent to Mrs. Kazanjian for her years of service and offering the Town's best wishes on her new location.

**Vehicle and Traffic Survey – Proposed STOP Signs**

The Police Chief reported that Sgt. Robert Philo met with the Town Clerk regarding the placement of stop signs at ten (10) prioritized areas within the Town; the Town Clerk will prepare the necessary legislation and forward copies to the Police Department and Town Board.

**Fiscal - Donation**

The Police Chief reported that the recently opened *WalMart*, as part of their community involvement program, had donated and delivered to the Police Department a trailer so that the ATV could be transported. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 377 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford, in accordance with its Donation Policy, does hereby accept the trailer from WalMart for use by the Town Police Department and does hereby direct the Town Clerk to send a letter of thanks to WalMart for their generous gift and for their community mindedness to 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	-	Absent.

The Deputy Supervisor declared the Resolution unanimously carried and duly adopted.

**ATV Complaints**

The Police Chief reported that the complaints regarding ATV's (all-terrain vehicles) in the Chadwicks area are pursued; there have been four (4) apprehensions.

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### **Vehicle and Traffic - Speed Enforcement /Upper Paris Road**

Councilman Butler has received complaints from John and Tracy Mills, and others, regarding speeding motorists along upper Paris Road and they are requesting additional enforcement. The Mills offered their property for setting up the police radar trailer. The Chief will take a look at this matter and report back to the Board.

### **Vehicle and Traffic – “Children At Play” Sign**

Councilman Waszkiewicz asked a “Children At Play” sign could be added to the existing Speed Limit Sign on Wheatley Circle. The Chief explained that the Speed Limit Sign is a regulatory sign and that non-regulatory signs such as “Children At Play” cannot be placed on the same pole as a regulatory sign.

### **Proposed Municipal Complex – Hogeboom & Campfield parcel off Oxford Road**

James Chapman of 17 Harrogate Road asked about the status of the property located behind the New Hartford Public Library that the Town was looking at for possible expansion as a new Police Department. Mr. Chapman is concerned about Harrogate becoming a busy road like Commercial Drive. The Deputy Town Supervisor explained that this location has been ruled out as a potential site for police/court offices.

## **MATTERS SUBMITTED BY COUNCILMEN & ATTORNEY**

### **COUNCILMAN BUTLER:**

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

Councilman Butler asked that the Town Board seek answers to the following questions and follow up for closure on this matter:

- Does each condo pay a sewer charge - as per the caretaker yes
- Does condo owner own to middle of road. Each owner owns that portion of the building in which the Condo is located, not the road. The road is a common area. Sherman Oaks Drive being the common area
- Does each Condo owner pay a sewer charge and a water bill – Yes.

#### **Personnel - Employee Wellness Program**

Discussion was held on Amy Topor’s letter requesting the Town consider some type of alternate payment to employees who enroll in a fitness program other than the All-American Fitness Center where the Town provides this benefit. Some union employees have access to fitness facilities, and the unions pay the annual membership fees for the facilities. The Highway union pays a portion of that department’s membership. The Town pays for basically the non-union employees. A suggestion was made that if any

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eligible non-union employee wanted to join a different facility perhaps the Town could offer to send Fifty Dollars (\$50) to that facility to help offset the cost for the non-union employee, but not send the Fifty Dollars (\$50) to the employee. No action was taken.

### **COUNCILMAN WOODLAND:**

#### **Utility Pole Issue**

Councilman Woodland asked if any progress had been made regarding the possible removal of utility poles that do not have any wires connected to them any more.

Attorney Rossi explained that he had contacted a Niagara Mohawk representative in Ithaca regarding this matter and has written a letter today to VERIZON and the Board members should be receiving a copy of this letter tomorrow. Attorney Rossi hopes that he will have an answer by the next Town Board meeting.

### **COUNCILMAN WASZKIEWICZ:**

#### **Police/Court Building**

Councilman Waszkiewicz reported that the process for getting the Police and Court offices some additional space continues to move forward towards eventual closure. There is additional space being considered.

#### **Revised Subdivision Regulations**

Councilman Waszkiewicz reported that he still needs to get information from the Highway Superintendent regarding a time line completion and further stated that we do not have any noise restriction regarding construction.

#### **Canvass of Competitive Bids**

Councilman Waszkiewicz would like to have a committee explore the process of canvassing bids. He suggested that the respective Department Head review the bids and report the results to the Town Board. Councilman Waszkiewicz requested this matter be discussed at the October 2, 2002 Town Board meeting.

#### **Review Planner/Grant Writer**

Councilman Waszkiewicz said there is nothing new to report at this time, but he would like this matter on the Agenda for the October 2, 2002 Town Board meeting.

#### **Stormwater Run-off Management Criteria**

Attorney Rossi acknowledged receipt of the proposed Stormwater Management Criteria from the Highway Superintendent who believed that the criteria presented had been very well thought out, and he complimented the Highway Superintendent on a good job. Councilman Waszkiewicz thought that the Attorney for the Town of New Hartford was going to add an addendum. After further discussion, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

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**(RESOLUTION NO. 378 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint the Highway Superintendent as the custodian for the Town-Wide Criteria for mitigating stormwater run-off and systematic ranking guidelines for all related projects.

The Deputy Town 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 Deputy Supervisor declared the Resolution unanimously carried and duly adopted.

**Fire Hydrants**

Councilman Waszkiewicz reported that New York Mills Fire Chief Robert Glenn has reported that all the fire hydrants within his district are working appropriately.

**Agricultural District**

Councilman Waszkiewicz reported that the Executive Officer from the Greater Utica Board of Realty did not have the opportunity to get the state definition of an Agricultural District. Councilman Waszkiewicz anticipates receipt of the information by the October 2, 2002 Town Board meeting.

**New York State Route 12 Task Force**

There is a meeting scheduled for September 24, 2002. The Deputy Town Supervisor told Councilman Waszkiewicz that he has noticed a lot of construction on Route 12 from Chenango Valley on up. Councilman Waszkiewicz reported that incremental steps are being taken for improving the corridor.

**Fence - Cascade Drive**

Councilman Waszkiewicz distributed a letter that he had received from Patrick J. Becher, Executive Director of the Upper Mohawk Valley Regional Water Board regarding the fencing on Cascade Drive. Councilman Waszkiewicz also distributed copies of his concerns, which he will be sending to Mr. Becher regarding this matter. Councilman Waszkiewicz also reported that it has been brought to his attention that the Town may be able to limit use of barbed wire based on a 1998 ruling.

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**ATTORNEY ROSSI:**

**Competitive Bid - Salt Barn Lawsuit**

Attorney Rossi has sent a letter to the proper authority to proceed with the lawsuit involving Dónofrio Contracting. As was previously discussed, this matter is being done on a contingency basis. If the Town were unsuccessful in the lawsuit, there would be no charge for work. Attorney Rossi would like Village of New Hartford to sign on since they had “piggy-backed” on the Town’s bid. The out-of-pocket expenses would not exceed Twelve Hundred Dollars (\$1200). The Town has the potential of recovering perhaps Twenty to Thirty (\$20,000 to \$30,000) Thousand Dollars. Based upon the recommendation of Attorney Rossi, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 379 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize the Attorney for the Town, Vincent J. Rossi, Jr. to proceed with the Salt Barn Lawsuit if the Village of New Hartford does agree to share the costs involved regarding such a lawsuit.

The foregoing Resolution was voted upon roll call 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. Attorney Rossi stated that if the Village will not help defray the costs then he would come back to the Town Board regarding this matter.

**Municipal Power Authority**

Attorney Rossi will be sending the Town Board members a letter regarding the authority explaining all the “ins” an “outs”. The County of Lewis is thinking of doing this as well.

**New Hartford Water Improvements**

Attorney Rossi spoke with Bond Counsel, Thomas Myers who has put the advantages and disadvantages in a letter to the Town Board, which they should receive in the next day or two.

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**Creation of City**

Attorney Vincent Rossi explained that it does not make sense for Town of New Hartford to do this. There are advantages and disadvantages. If you are a city you are obligated to maintain all roads in your geographical area that would include all arterials, highways, state and county roads. The only exception would be an interstate road such as the New York State Thruway. Attorney Rossi has sent a letter to the Town Board members on this matter. Mr. Rossi further stated that there would be no more water districts, sewer districts and lighting districts. The New York State Legislature would have to grant a City Charter. Deputy Supervisor Backman asked Attorney Rossi about the Village and the Attorney explained that the new boundary would end at the Village Line. Regarding revenues, there would be Sales Tax advantages and revenue sharing advantage. There is no way that the Charter would be approved by the State without a referendum. The Police Chief also stated that there would be Public Safety ramifications.

**MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR:**

**AUDIT OF VOUCHERS**

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

**(RESOLUTION NO. 380 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. 32	\$ 1,750.00
General Fund, Whole-Town Abstract No. 33	\$ 28,362.36
General Fund, Whole-Town Abstract No. 34	\$ 8,026.75
General Fund, Part-Town Abstract No. 21	\$ 6,201.64
Highway Fund Whole-Town Abstract No. 7	\$ 50,430.51
Highway Fund Part-Town Abstract No. 26	\$ 6,544.74
Sewer Fund Abstract No. 26	\$ 3,324.50
Street Light District No. 10	\$ 6,874.94
Drainage Capital Project Abstract No. 2	\$ 1,353.88
<b>TOTAL:</b>	<b>\$112,869.32</b>

Upon roll call, the Board members voted as follows:

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

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(Supervisor Humphreys - Absent).

This Resolution was declared unanimously carried and duly adopted

**Petition for Name Change - Old Roberts Road**

The Deputy Town Supervisor reported that the Town had received a petition requesting that Old Roberts Road be renamed to DiGeorge Place. No action was taken at this time.

**Teamster Health Plan – Highway Department**

While negotiations are on-going with the Teamsters Union, the health insurance contract is due to expire and a signature is required to keep the Highway Department employees' health benefits intact. It was the consensus of the Town Board that the Deputy Supervisor execute the necessary paperwork to keep the health benefits intact for the Highway Department.

**Competitive Bid – Sanger Public Works Garage Roof Contract**

Deputy Supervisor Backman stated that Pulver Roofing said that the removal of any asbestos from the Sanger Public Works Garage roof, in the event that any asbestos is found, would not exceed Seventy-One Hundred Dollars (\$7100). Based upon the information that was presented by the Deputy Town Supervisor, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 381 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does authorize the Pulver Contractors to remove any asbestos from the Sanger Highway Garage in the event any asbestos is found, at a cost not to exceed Seventy-One Hundred Dollars (\$7100), and be it further

**RESOLVED** that the removal of any asbestos will be done in accordance to any and all applicable laws of the State of New York, governing the removal of asbestos.

The Resolution was voted upon by roll call:

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

This Resolution was declared unanimously carried and duly adopted

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

The Deputy Town Supervisor gave an update on this project, which does not look good because some property owners are refusing to sign an easement.

### **Stormwater Management Criteria**

Councilman Waszkiewicz stated that he might have spoken too soon regarding this matter. The Town might best be served if the Highway Superintendent and another staff member were named as point persons not solely the Highway Superintendent. The Highway Superintendent is the custodian of the Stormwater Management Criteria. The Deputy Town Supervisor understands that the Highway Superintendent is a repository for information on the Criteria.. It is Councilman Waszkiewicz's intent not to place any further burdens on the Highway Superintendent and he believed that the Town would be best served if the point person as far as qualifying or not qualifying information would be a staff person - any councilman or anyone who felt it worthy of Board review. The staff person would be an appointed position, not elected position. The Deputy Town Supervisor asked the Councilman, "What do you want?" since he couldn't understand what was done wrong. Nothing precludes anyone from going to the Highway Superintendent. Councilman Waszkiewicz continued that the goal is to crystallize Stormwater Management Criteria and by taking the mystery out of it and that everyone is treated fairly and consistently. Attorney Rossi stated that there is a natural and general appeals procedure in Towns; if anyone feels they have not been treated fairly or properly, they can go to their Councilman. According to Councilman Waszkiewicz, the Town did not establish a procedure. Deputy Supervisor Backman stated that the policy speaks for itself and asked Councilman Waszkiewicz if he was worried that the Town Board gave the administration to the Highway Superintendent. Councilman Waszkiewicz's response was that he did not want to saddle the Highway Superintendent with administration of criteria and was trying to eliminate some work for him. Councilman Butler added that some of this has to be taken care of by and has to be discussed with the Highway Superintendent. The reality of it is that if someone is talking with the Highway Superintendent, Deputy Highway Superintendent or Senior Engineering Technician, the Highway Superintendent is the end of the line. Councilman Waszkiewicz added that there has not been consistency in recent time. The Deputy Supervisor stated that the inconsistency happened before there was a written policy. The Highway Superintendent feels that if there is an issue with the Senior Engineering Technician going out and looking at something, he will ask him for a report. Councilman Waszkiewicz asked the Highway Superintendent if he minded doing this and the Highway Superintendent stated no problem. \*(amended - refer to December 14, 2002 Town Board minutes)

### **EXECUTIVE SESSION**

The following Resolution was introduced for adoption by Councilman Waszkiewicz; seconded by Councilman Woodland:

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**(RESOLUTION NO. 382 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss possible litigations.

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. Thereafter, all persons present, including the news media and Deputies Town Clerk, were excused from the meeting at 9:21 P.M.

**(NOTE:** Deputy Town Supervisor Backman provided the following transcription on September 21, 2002.)

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 383 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby move to come out of Executive Session and to reconvene the regular portion of the Town Board Meeting.

The foregoing Resolution was voted upon by roll call 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. The Executive Session ended at 9:57 P.M. and the regular portion of the Town Board meeting was immediately reconvened.

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**Soggs/Longeretta Settlement**

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

**(RESOLUTION NO. 384 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Deputy Town Supervisor Donald Backman to execute the Settlement Agreement for the Soggs/Longeretta Litigation matter.

The Deputy Supervisor polled the Board members who 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.

**Rende vs. The Town of New Hartford**

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

**(RESOLUTION NO. 385 OF 2002)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Deputy Town Supervisor to sign the Agreement to join the Village of New Hartford in the settlement of the Rende vs. Town of New Hartford lawsuit for an additional Five Hundred Dollars (\$500).

The Deputy Supervisor polled the Board members who 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.

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**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Woodland and seconded by Councilman Waszkiewicz, the meeting was adjourned at 9:58 P.M.

*Respectfully submitted,*

*Margaret M. Jones  
Deputy Town Clerk*