

**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 WEDNESDAY,  
OCTOBER 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:** Highway Superintendent Roger A. Cleveland  
Police Chief Raymond Philo  
Town Clerk Gail Wolanin Young, CMC/RMC

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

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Agreement – 2002 Sidewalk Project**

D'Amore Masonry was the low bidder on September 13, 2002 for the 2002 Sidewalk Project; and because there was a wide spread in bid amounts, D'Amore's bonding company is questioning the disparity and seems to be hesitant about giving him a performance bond. The Highway Superintendent consulted with Attorney for the Town, Vincent Rossi Jr. because D'Amore Masonry has performed work for the Town for approximately six (6) years without incident. Attorney Rossi advised that the Town Board has the prerogative to waive any formalities. Highway Superintendent Cleveland recommended that if D'Amore is unable to secure a performance bond, that the Town Board waive the formality of a performance bond and that the Town won't pay D'Amore any money whatsoever until work is done to the Town Board's satisfaction. The matter was raised of whether the Town would be at risk. Attorney Rossi explained that the purpose of bidding rules is to protect the Town. The second lowest bidder (\$21,000) could complain, stating they can secure a performance bond and that D'Amore Masonry can't obtain one; however, there is a difference of about \$10,000 between the lowest and second lowest bid and the project only involves pouring concrete for sidewalks. This might be more of a public relations risk and the Attorney believed the Town can waive the bond requirement.

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

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**(RESOLUTION NO. 406 OF 2002)**

**RESOLVED** that, upon recommendation of the Town Highway Superintendent and his confirmation that D'Amore Masonry has performed work satisfactorily for the Town in past years, the New Hartford Town Board does hereby waive the bidding requirement that D'Amore Masonry, low bidder on the 2002 Sidewalk Project, submit a performance bond to assure satisfactory completion of the project.

Upon roll call, the Town Board voted as follows:

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

Resolution No. 406 was thereafter declared unanimously carried and duly adopted.

**Easement – Reconstruction of Bleachery Avenue bridge**

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

**(RESOLUTION NO. 407 OF 2002)**

**WHEREAS**, the Town of New Hartford had received bids on Tuesday, September 10, 2002 for the Reconstruction of the Bleachery Avenue bridge, Chadwicks in said Town;

**NOW, THEREFORE, BE IT 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 for the temporary bridge across Sauquoit Creek as same relates to the Reconstruction of the Bleachery Avenue bridge; and be it

**FURTHER RESOLVED** that, upon receipt of all requisite easement documents, the Town Clerk be, and she hereby is, authorized to record the Temporary Easement and Easement Maps in the Oneida County Clerk's Office.

The foregoing Resolution was duly put to a vote upon roll call:

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.

**Employee Promotion – Highway Department**

Upon recommendation of the Highway Superintendent, Councilman Butler introduced the following Resolution for adoption, seconded by Councilman Woodland:

**(RESOLUTION NO. 408 OF 2002)**

**RESOLVED** that, upon review of information from the Highway Superintendent as to satisfactory work performance, the Town Board does hereby promote Jeffery Mundrick and Timothy Solan from Highway Department Laborers to Motor Equipment Operators (MEO), retroactive to September 8, 2002, at an hourly wage of Sixteen Dollars and Ten Cents (\$16.10), payable bi-weekly; said promotions concurrently remedying a grievance that had been filed by the bargaining unit.

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.

**Job Description Amendment - Planner**

After Town Board discussion, Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 409 OF 2002)**

**WHEREAS**, the Town Board on October 2, 2002 hired Kurt Schwenzfeier as Planner/Grant Writer and submitted same to the Oneida County Department of Personnel for their approval; and

**WHEREAS**, said Oneida County Department of Personnel has rejected the job title of Planner/Grant Writer, noting that grant writing had been included as a job duty of Planner;

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby amend Resolution No. 405, adopted October 2, 2002, to the effect that said Town Board does hereby appoint Kurt L. Schwenzfeier as Planner, effective October 24, 2002, at an annual salary of Forty Thousand Dollars (\$40,000), payable bi-weekly, with no compensatory time and no overtime payments and that upon successful completion of a one-year probationary period, Mr. Schwenzfeier's annual salary shall be increased by the sum of Two Thousand Dollars (\$2,000).

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.

**Request for Proposal (RFP's) – Addition to Sanger Public Works Garage**

The Highway Superintendent, Town Board members and Attorney for Town discussed Requests for Proposal to correct office deficiency at the Sanger Public Works Garage including design, bidding assistance and construction inspection. Councilman Waszkiewicz thought that multiple issues regarding the structure need to be addressed and he doesn't believe squaring off the Garage will meet the needs of the Highway Department; he would like an RFP for a professional to review situations or concerns brought forth – analyze and make recommendations. The Highway Superintendent will work with March Associates, architects.

**Revised Subdivision Regulations – “Open Space” Requirement**

To Councilman Waszkiewicz's inquiry, the Highway Superintendent confirmed that the the revised Subdivision Regulations will contain the requirement that Five Percent (5%) of the land area in new subdivisions will be reserved for open space.

**Bid Analysis Process**

After discussion among the Highway Superintendent and Town Board, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 410 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby establish the following criteria for the analysis of bids received for Town purchases and projects:

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- Department Head will canvass all bids received
- if necessary, Department Head will meet with his/her respective Standing Committee
- if a legal question arises, consult with Attorney for the Town
- if a problem is encountered and the Department Head feels the need, discretionary meeting with the Town Supervisor
- review on a “case-by-case” basis.

The Town Board members voted upon roll call as follows:

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

The Resolution was thereafter declared carried and duly adopted.

**MATTERS SUBMITTED BY COUNCILMEN / ATTORNEY FOR TOWN**

**COUNCILMAN WASZKIEWICZ:**

**Former Washington Mills Water District – Consolidated Water District**

Based upon Attorney Rossi’s correspondence, Councilman Waszkiewicz stated it seems that the Town is not required to consolidate the former Washington Mills Water District with the Town’s Consolidated Water District.

**Proposed Sewer Extension – (Old) Paris Road**

Attorney Rossi noted that Councilman Waszkiewicz’s question on the former Washington Mills Water District led to questions about some (Old) Paris Road residents’ request for a sewer main extension along their road – to what extent can the existing Consolidated Sewer District bear the expense. Attorney Rossi had communicated with Attorney Mitch Morris of the State Comptroller’s Office as well as Attorney Thomas Myers of ORRICK HERRINGTON & SUTCLIFF, the Town’s bond counsel – the orthodox /common way to handle the expense is make the new district bear all the expense; or, Section 206a of Town Law empowers a town to extend the district, add 8 or 9 lots, and spread the cost of improvement over the entire improvement district. The Board engaged in a brief discussion on funding mechanism for the former Woodberry Sewage Disposal Co. acquired by the Town and the (Old) Paris Road residents’ request.

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### **Website**

To Councilman Waszkiewicz's query, the Town Clerk stated that Janis Christofaro, former Clerk in the Accounting Department, had been responsible for uploading the approved Town Board minutes onto the Town's Website. Supervisor Humphreys will notify Janice O'Sullivan, who replaced Ms. Christofaro, that updating the Website will be part of her job duties.

### **Proposed Recreational Activities – Southern Reservoir**

On October 8, 2002 the Parks and Recreation Director and Councilman Waszkiewicz had met with the Upper Mohawk Valley Regional Water Board (UMVRWB) and the consensus was to move forward to determine if other neighboring municipalities would be interested in pursuing a regional effort for recreational activities at the Southern Reservoir on Valley View Road. Parks and Recreation Director Michael Jeffery and Councilman Waszkiewicz will meet with the Oneida County Youth Bureau and City of Utica to determine their interest in a regional effort according to guidelines of the UMVRWB.

### **Agricultural District**

Having contacted the Greater Utica Board of Realtors, Councilman Waszkiewicz was informed that an "agricultural district" is what the Assessor says it is and Assessor Paul Smith maintains that an "agricultural district" is defined by the Cornell Cooperative Extension-Oneida County. Councilman Backman stated that "agricultural districts" are defined by State Law, and not to be confused with agriculturally zoned areas in the Town's Zoning Law.

### **NYS Route 12 Task Force**

Reporting on a Route 12 Task Force meeting he attended September 24, 2002, Councilman Waszkiewicz stated the preliminary Phase I has been completed and he'll file a copy of the report with Supervisor Humphreys. U.S. Congressman Boehlert and U.S. Senators Clinton and Schumer will be contacted for possible funding for improvements along the NYS Route 12 corridor; the NYS Department of Transportation has embraced Phase II of this study to expand improvements and identify the economic impacts these improvements will provide the entire corridor including central New York.

### **ATTORNEY FOR THE TOWN:**

#### **Assessment Grievance - Palumbo**

After discussion with Attorney Rossi, the Town Board's consensus was to authorize Attorney Rossi – who has a conflict – to negotiate an hourly rate with the McLean law firm to represent the Town in the Palumbo certiorari (assessment) proceeding brought against the Town.

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**COUNCILMAN BACKMAN:**

**Oneida County 2003 Budget – 16.7% Tax Increase**

Relative to Oneida County's announcement of a 16.7% increase in the County tax rate in the 2003 County budget that becomes part of the 2003 Town and County tax bills, Councilman Backman believed that the Town of New Hartford is being unduly targeted and pointed out that the recent newspaper article showed New Hartford has a much higher tax rate than most other towns. He encouraged the Board to invite New Hartford's Oneida County Legislators D'Onofrio, Damsky, Miller and Burns to the October 16, 2003 Town Board meeting.

**Special Town Board Meeting**

The Town Board agreed to meet on Tuesday, October 22, 2002 in the Town Supervisor's Office at 6:00 P.M. to work on the 2003 preliminary budget.

**Fringe Benefits - Disability Insurance**

After a brief discussion, Councilman Backman offered the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 411 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby discontinue disability insurance coverage through FIRST REHABILITATION for Town officials and employees, effective mid-night on November 30, 2002 and does further authorize and direct that disability insurance coverage for eligible Town officials and employees be provided through GUARDIAN LIFE INSURANCE CO. effective December 1, 2002.

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 thereafter declared unanimously carried and duly adopted.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 412 OF 2002)**

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**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss a contract to provide legal services and specific certiorari (assessment) proceedings brought against the Town.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media and Town Clerk, were then excused from the meeting at 9:50 P.M.

[**NOTE:** The following transcript was provided by Supervisor Humphreys on Thursday, October 10, 2002.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 413 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:10 P.M. The regular portion of the Town Board meeting was reconvened at 10:10 P.M.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting adjourned at 10:11 P.M.



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**Respectfully submitted,**

**Gail Wolanin Young, CMC/RMC**  
**Town Clerk**