

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE RALPH PERRY JUNIOR HIGH SCHOOL,
WESTON ROAD IN SAID TOWN ON WEDNESDAY,
NOVEMBER 20, 2002 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and then led those in attendance in the Pledge of Allegiance to the American Flag. 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 Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

ABSENT: Councilman David W. Butler

OTHER TOWN OFFICIALS: Codes Enforcement Officer Gerald F. Back
Highway Superintendent Roger A. Cleveland
Personnel Assistant Barbara Aiello
Planner Kurt L. Schwenzfeier
Police Chief Raymond Philo (Arrived at 9:00 P.M.)
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones

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

MINUTES

No action was taken on the Town Board minutes of September 18, October 22 and November 13, 2002, as Councilman Waszkiewicz had not reviewed them.

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

(RESOLUTION NO. 456 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board Meetings held on October 30, 2002 and November 16, 2002, and does further waive the reading of the same.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
(Councilman Butler	-	ABSENT)

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Supervisor declared the Resolution carried and duly adopted.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Town Planner

The Highway Superintendent introduced newly hired Town Planner Kurt Schwenzfeier.

Appointment – Temporary Clerk

Upon request of the Highway Superintendent, Councilman Woodland presented the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 457 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint Katherine Koury as a Temporary Clerk in the Highway Department for the period commencing November 27 through November 29, 2002 and from December 23, 2002 through January 21, 2003, at an hourly pay rate of Seven Dollars and Fifty Cents (\$7.50), payable bi-weekly.

The Supervisor polled the Board members who voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Flashing Light on Chapman Road

Upon recommendation of Highway Superintendent Cleveland, Councilman Backman presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 458 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor, the Town Clerk and the Highway Superintendent to sign the necessary County Application and Permit for the Flashing Light Installation on Chapman Road.

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The Resolution was voted on as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Sessions Road – Re-alignment

The Highway Superintendent reported that he is still developing the cost of this project.

Stormwater Drainage – Pleasant Street

The City of Utica has requested that the Town of New Hartford contribute financially to their Forty Thousand Dollar (\$40,000) stormwater improvement program on Pleasant Street since homes on the south side of Pleasant Street are actually in the Town of New Hartford and drain onto Pleasant Street, including stormwater run-off from the Waterford Heights development in the Town. Senior Engineering Technician John Meagher reviewed the contract and determined that a contribution of Nine Thousand Two Hundred Six Dollars and Fifty Cents (\$9,206.50) would be a fair contribution and the Highway Superintendent recommended the Town consider contributing this amount from the existing Stormwater Drainage account. Councilman Waszkiewicz moved that the Town pay its fair share of the stormwater improvements on Pleasant Street, which Councilman Woodland seconded. Further discussion ensued and Councilman Backman questioned the pending lawsuit involving Pleasant Street. It was Councilman Waszkiewicz's understanding that the Town of New Hartford was not involved in this lawsuit according to Vincent Rossi, Jr., Attorney for the Town. Thereafter, Councilman Waszkiewicz and Councilman Woodland withdrew their motion until Attorney Rossi joined the meeting. Councilman Backman thought that the Town was named a party in the lawsuit together with the City of Utica, the Upper Mohawk Valley Regional Water Board, etc.

Creation – Additional Laborer Positions

Due to the retirement of Ronald Wehrle, the Highway Superintendent requested the creation of two laborer positions and the appointment of Thomas Panzone, Jr. and Wayne Smoulcey, current temporary laborers for several years, to these full-time positions at an hourly rate of Nine Dollars (\$9.00). Highway Superintendent Cleveland stated that his Department would need to identify an additional Fifteen Thousand Dollars (\$15,000) in the budget and perhaps cut back on two summer employees. Having contacted the Teamsters Union on this matter, the Highway Superintendent read their letter, which he received today.

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Discussion ensued on which employee had more seniority with the Town, with Oneida County Personnel Department records reflecting that Thomas Panzone, Jr. is the senior employee. Wayne Smoulcey, who was present, provided the dates that he was first hired by the Town Highway Department as a part-time laborer which would make him the senior employee. The Town Board asked Personnel Assistant Barbara Aiello to check payroll records and Town Clerk Gail Wolanin Young volunteered to check Town Board minutes for appointments. Councilman Backman wanted to clear the air regarding prior talks that when an employee retires, their position would not be automatically filled.

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

(RESOLUTION NO. 459 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby create two (2) additional full-time Laborer positions for the Highway Department, effective immediately, and does further authorize and direct the Town Supervisor to sign all necessary forms required by the Oneida County Personnel Department to create these positions.

The foregoing Resolution was voted upon roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Memorandum of Understanding/Teamsters Union Contract – 2 new laborer positions

Based upon recommendation of the Highway Superintendent, Councilman Backman presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 460 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to sign the Memorandum Of Understanding for Amendments to the Teamster Union Contract regarding the hiring of Wayne Smoulcey and Thomas Panzone, Jr. as full-time laborers in the Highway Department.

Upon roll call, the Board members voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Appointments – 2 Highway Department Laborers

Further, based on the recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 461 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Wayne Smoulcey and Thomas Panzone, Jr. as full-time Laborers in the Highway Department at an hourly rate of Nine Dollars (\$9.00), payable bi-weekly, effective December 1, 2002, and subject to the conditions contained in the MOU/Teamsters Union Contract, with seniority to be established by the Town Board upon completion of their investigation.

Upon roll call, the Board members voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

CODES ENFORCEMENT OFFICER:

Appointment – Temporary Clerk

Upon request of Codes Enforcement Officer Gerald Back, Councilman Backman presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 462 OF 2002)

RESOLVED that the New Hartford Town Board does hereby appoint Ava Massoud as a Temporary Clerk in the Codes Enforcement Office commencing December 23, 2002

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through January 2, 2003 at an hourly pay rate of Seven Dollars and Fifty Cents (\$7.50), payable bi-weekly.

The Supervisor polled the Board members who voted as follows:

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

The Supervisor declared the Resolution carried and duly adopted.

PARKS AND RECREATION DIRECTOR:

Employee Vacation Schedule

The Town Supervisor presented a request from Parks and Recreation Director Michael Jeffery who, due to the resignation of two full-time employees and a project that needed to be completed, had cancelled employees' vacations during Summer 2002. One employee has three (3) weeks of vacation to use and wants to use the third (3rd) week in January 2003. Councilman Backman objected because of the "use or lose" vacation policy. Personnel Assistant Barbara Aiello stated that the employee had two (2) weeks planned for December but the vacation week planned for August kept getting pushed off because of the workload and also, the employee shortage; new personnel have recently been hired. The Personnel Assistant will research employee records because she thought there had been exceptions to the Town's policy. Councilman Backman stated that Town Department Heads should send a memo to their employees regarding the use of vacation time. Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 463 OF 2002)

RESOLVED that, based upon the fact that Brian Jenny of the Parks and Recreation Department had been required to cancel his 2002 vacation to accommodate the request of Parks and Recreation Director Michael Jeffery and departmental workload, the Town Board of the Town of New Hartford does hereby allow Brian Jenny to use his third week of 2002 vacation not later than January 31, 2003.

The Resolution was voted on as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

TOWN CLERK:

Zone Map Amendment (Parkview Estates)

Local Law Introductory No. Thirteen of 2002

Councilman Waszkiewicz introduced the following legislation for consideration at a future public hearing, co-sponsored by Councilman Woodland:

**Town of New Hartford, New York
Local Law Introductory No. Thirteen of 2002**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it pertains to property fronting Middlesettlement Road (County Rte 30), a description of which is set forth in Section 2, and changing the designation of property from RB-1 (Retail Business District) to PDMH (Planned Development Mobile Home District).

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, Section 118-8, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-8. Zoning Map

(Change the designation of three [3] acres, more or less, identified as a portion of Tax Map Parcel No. 328.000-3-18, owned by Fifth Garden Park LTD [Parkview Estates Mobile Home Community], from RB-1 [Retail Business District] to PDMH [Planned development Mobile Home District].

SECTION 2. The boundaries and description of said district are as follows:

ALL that tract or parcel of land, situated in the Town of New Hartford, Oneida County, New York, bounded and described as follows: Beginning at a point in the center of the highway formerly called the Whitesboro Road and now commonly known as the Middlesettlement Road, which point is the most southerly corner of the 11.473 acre parcel as shown on map of land in Coxe's Patent near New Hartford, NY, belonging to the Nathan S. Bishop Estate made by A.M. Scripture, C.E., March 14, 1913 and filed in

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the Oneida County Clerk's Office; running thence N. 30 deg. 25' W 782 feet; thence N. 64 deg. 23' W. 265 feet; thence N. 4 deg. 15' E. 337 feet; thence S. 87 deg. 11' E. 538.50 feet; thence S. 19 deg. 14' E. 1001.0 feet to the center of said road; thence S. 59 deg. 10' W along the center of the road 300 feet to the point or place of beginning. The above described premises are more particularly described as follows:

Parcel No. 1 Beginning at a point lying on the northerly right-of-way of Middlesettlement Road, said point being also the southwesterly corner of the subject parcel; thence N 20 deg. 56' 35" W 426.04 feet, more or less, to an angle point; thence N 67 deg. 06' 44" E 389.25 feet, more or less, to an angle point; thence S 10 deg. 16' 26" E 289.25 feet, more or less, to an angle point, said point being also the northeasterly property corner of the lands of Guy E. and Frances P. Bonomo, now or formerly; thence S 68 deg. 38' 07" W along the division line of the subject parcel to the north and the lands of Bonomo to the south, 123.65 feet, more or less, to an angle point; thence S 11 deg. 16' 22" E along the division line of the subject parcel to the west and the lands of Bonomo to the east 149.88 feet, more or less, to an angle point, said point lying also on the northerly right-of-way line of Middlesettlement Road; thence S 67 deg. 06' 47" W along said right-of-way line 186.76 feet, more or less, to the point or place of beginning. Containing 130,680.3 square feet, or 3.000 acres, more or less. Subject to air, light and view easement conveyed to Guy E. Bonomo and Frances P. Bonomo by deed dated May 12, 2000 and recorded simultaneously with this deed in the Oneida County Clerk's Office.

SECTION 3. 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 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Public Hearing Scheduled – Local Law Introductory No. Thirteen of 2002

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

(RESOLUTION NO. 464 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.**, or as soon thereafter as reached in the regular course of business, on **Wednesday, December 18, 2002**, in the Kellogg Road Community Center Building to consider the adoption of Local Law Introductory No. Thirteen of 2002 which, if adopted, would amend the **Code of the Town of New Hartford, Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it

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pertains to property fronting Middlesettlement Road (County Rte 30), a description of which is set for the in Section 2, and changing the designation of property from RB-1 (Retail Business District) to PDMH (Planned Development Mobile Home District). 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.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

PERSONNEL ASSISTANT:

In-Lieu Payment Plan – Hospital Benefits

The Town Board reviewed the chart that Personnel Assistant Barbara Aiello had provided with regards to the proposed In-Lieu Payment Plan.

Teamsters Health Insurance

Stating that it was his understanding that the Teamsters Health Insurance Plan is for all eligible employees and that employees will not lose the opportunity for a traditional health insurance, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 465 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby elect to change the Health Insurance coverage for full-time non-union Town employees to be provided through the New York State Teamsters Council Health and Hospital Fund, effective January 1, 2003; and be it

FURTHER RESOLVED that as a result of health insurance conversion to a different carrier, the traditional Blue Cross-Blue Shield health insurance will no longer be available to the police officers as the employee quota cannot be met and while the Police Benevolent Association Union Contract is still being negotiated, the Town Board does hereby offer the Police Department the option of Blue Cross/Blue Shield HMO for their insurance coverage; and be it yet

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FURTHER RESOLVED that, in order to bring parity with the Highway Department union employees who have never been required to contribute toward their health insurance premiums, the Town Board does hereby rescind any prior Resolution requiring employee contribution for health insurance.

Personnel Assistant Barbara Aiello stated that upon the dispatchers' approval, that union of employees will enroll with the Teamsters Health & Hospital Plan but the Personnel Assistant inquired what the Town intended to do about the retirees who are presently enrolled under the Town's insurance plan. "Are we moving them along with us – there are six (6) retirees"; the Board stated, "yes". Thereafter, the Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

If the dispatchers decide to enroll in the Teamsters' plan, then at that time the Town Board will discuss what to do with the part-time dispatchers. It was also noted that two (2) former employees are enrolled in COBRA, and it was the consensus of the Board that the Town would keep the employees on the present insurance for eighteen (18) months and then they will be finished with COBRA. The Town will make a decision at a later date about coverage with regards to a single parent with minor children as opposed to family coverage.

PUBLIC HEARING:

**8:00 P.M. Local Law Introductory No. One of 2002
Charles Sitrin Health Care Center Zone
Map Amendment Application**

The Town Supervisor opened the Public Hearing at 8:00 P.M. on Local Law Introductory No. One of 2002, an application by the Charles Sitrin Health Care Center to rezone approximately 209 acres fronting Higby Road from RA-2 (Residential Agricultural) and LDR (Low Density Residential) to PDI (Planned Development Institutional). The Town Supervisor reviewed the history of this rezoning application:

- Referred the application to the Oneida County Planning Department and Town Planning Board in December 2001

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- Received recommendation of approval from Oneida County Planning in January 2002
- Received comments from Oneida County of Public Works in January 2002
- Received recommendation of approval from the Town Planning Board in February 2002
- Conducted a Public Hearing on March 20, 2002 and recessed the Hearing
- Re-opened the Public Hearing on April 3, 2002 and immediately closed the hearing to ensure all pertinent information had been received from the Applicant
- On May 28, 2002 the SEQR review process commenced with involved/interested agencies
- On September 12, 2002 did a follow-up with agencies who had not responded to the SEQR Review

The Town Clerk then presented the following documents:

- Notice of Public Hearing
- Proof of Publication
- Affidavit of Posting
- Oneida County Planning Department recommendation of approval
- Town Planning Board recommendation of approval.

Town Supervisor Humphreys introduced CEO Rick Wilson of the Charles Sitrin Health Care Center who would make a presentation after which comments from the public would be heard. All persons are to speak from the podium, one person at a time; and if any person forgets to present something, then the person must queue up. CEO Wilson will write down the public's questions and give answers in a wrap up. The Town Board will take their comments into consideration.

CEO Wilson – Charles Sitrin Health Care Center is currently a one hundred seventy-three (173) bed facility, founded in 1951. The present building has become outdated and persons are not cared for in an institutional setting anymore. People are being cared for in a home-type atmosphere, which will give them a better quality of life. The proposal is for fourteen (14) houses that would house twelve (12) patients in each house, which would contain approximately 5000 – 6,000 sq. feet built adjacent to each other in a cul de sac. There would be an attached building with pool and gym therapy for the disabled. Paraplegics, quadriplegics and people involved in accidents and those people who might be missing limbs, or suffering illness could make use of the Center. An Equestrian Building will house horses to be used for therapeutic purposes and will enhance quality of life for the disabled. There are many positive of benefit with various individuals. The recreation facility will give those with disabilities a place for them to participate in basketball, tennis, to name a few. At present, the Sitrin Home does have wheelchair basketball at the Knights of Columbus gym, which has been a huge success for the

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disabled. Including the current campus, there will be a total of two hundred thirty-four (234) acres. Forty-two (42) acres or twenty percent (20%) of the total green space will be used for this project. The Charles Sitrin Health Care Center would like to continue their service in a park-like setting. Mr. Wilson continued that if the fourteen (14) houses for people with disabilities were built that the nearest house would be four hundred feet (400') from Higby Road and that the next corner would be three (3) football fields from Higby Road.

Planner Kurt Schwenzfeier - stated that because the proposal being presented is for a Zone Map Amendment, use of the property could be discussed but there will be no discussion on distances because that is a Planning Board matter rather than a Town Board decision. Some questions regarding sewer, storm water runoff will have to be answered in the next process of SEQR before the Planning Board.

Gabriel DiPietro, 438 Higby Road, lives across street from property; his complaint is that the people are assessed and pay taxes and the Sitrin Home does not pay taxes. This is an institution and he does not want it across from his house. Believes traffic situation isn't being addressed.

Eugene Heil, 434 Higby Road, asked if a study had been done about other uses for this property – they're only using 42 acres - felt that other uses might bring in more revenue. He questioned whether streets, sidewalks and utilities within the development would be turned over to the Town. What are taxpayers getting out of this? Who's paying for water and sewer extensions? Will this project tax fire, police, ambulances, etc.? He questioned the SEQR process; Planner Schwenzfeier said all agencies have responded and the Town Board needs to make a declaration.

Kevin Goux, 9640 Chapman Road, had issues such as traffic, water and stormwater run-off and how the project would affect assessments. He inquired about an environmental impact study. Councilman Waszkiewicz was hopeful this will be done by the Sitrin home. Councilman Waszkiewicz urges a comprehensive stormwater management plan including Valley View, Tilden and Chapman Road and a traffic study encompassing the same area down into Washington Mills. The Town may move into a GEIS but questions are pending...the cost of a GEIS may be dramatically reduced by the Sitrin Home's task or jobs. Mr. Goux is not against the Sitrin home; he thinks it's wonderful, but there are safety issues, water issues, stormwater, etc. that need to be addressed. The Town Planner reaffirmed that a zoning change addresses the intent of use of the land, and that issues of water, waste water, sewers comes along during the site plan review process before the Town Planning Board and based upon the actual locations of buildings, and infrastructure. The Town Board determines if a particular use is appropriate for a parcel of land. Mr. Goux believes that the Sitrin home project will add to the traffic, drainage, etc. problems. Councilman Waszkiewicz believes the PDI zoning

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classification will give the Town residents and Town Board more guidelines than what it is presently zoned.

N. Joseph Yagey, Planning Board Chairman reviewed the role of the Planning Board versus role of the Town Board that reviews use of the land, and that if the rezoning is approved, the project doesn't automatically proceed. The Planning Board looks at traffic, sewer, water, and the Planning Board would never approve a project if it were detrimental to the area. Through the planning of this project, the Sitrin Home is required to help relieve some of the problems, such as traffic. Everything else will be addressed through the normal process and the Planning Board will have a public hearing. The process cannot continue until the Town Board approves a zoning change. The Planning Board cannot review a project that is prohibited by zoning. State law dictates the process. During the Planning Board's review, if the developer does not adequately answer questions or issues, the Planning Board won't approve the project. The Sitrin home is required to answer such issues as water and sewers, etc.

Richard Wilson, 1901 Tilden Avenue – his concerns have already been addressed. It was his understanding that he would have a chance to review this project at a public hearing, and he expressed disappointment that he wasn't notified because he lived beyond the five hundred (500) feet radius of the Sitrin property. He urged the Board to expand notices and/or get news releases out sooner.

Mary Goux, 9640 Chapman Road - had an issue with not being notified as she, too, did not reside within five hundred (500) feet of the Sitrin property but believed she would be affected by water, traffic, etc. She bought property in a residential area and doesn't want to live near an institution. The Sitrin Home is doing a great job and, from personal experience, they do a great job with their patients, but Ms. Goux objected to their location. She complained about no unity or consistency with speed limit reductions on Chapman – Valley View – Higby Roads. It was explained that establishing speed limits is the State jurisdiction, not the Town's.

Patty Cittadino, 1138 Pleasant Street, is in favor of the project and would rather see one institution in the area versus one hundred seventy (170) homes, and there would still be drainage issues.

Mike Cominsky, 1706 Sherman Drive, has lived within ½ mile of the Sitrin Home property for forty-five (45) years and he recalled when Higby Road had horse-drawn wagons with produce, and Power Dam with hundreds of cars daily. He understands certain issues some people have and that as a Sitrin Home Board member, he knows that the his co-board members have the same interests that the public has; at the same time, he believes the Sitrin Home's project will bring much to the community.

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Kristine LeoGrande, stated that. her niece has multiple disabilities and lives a difficult life, struggling each day and the Sitrin Home provides a chance to bring wonderful activities to the area ... politically correct. Once the nuts and bolts have been corrected, this project is something that the Town of New Hartford could be very proud of.

Mike Damsky, 2 Jordan Road - has several acquaintances that live and work in the area and are concerned about the traffic problems. Oneida County Legislator Damsky asked the public to look at it from a different angle...look at the traffic and possible quality of life and aesthetics when faced with alternatives:

- if not the Sitrin Home cannot expand its facilities, the Sitrin Home could sell the property and perhaps the purchaser would want to develop the acreage with homes
- residential development could create a profusion of one hundred thirty (130) to one hundred sixty (160) homes
- residential development would create more traffic than would be generated by the Sitrin Home project
- with the Sitrin Home project, eighty (80%) percent green space would remain; this green space would be reduced if there were one hundred thirty (130) to one hundred sixty (160) homes.

Hans Schmidt, 28 Wadsworth Road, recalled that about 15 yrs ago a high-density development in the area was almost approved but was scuttled because of the cost to be levied against the developers. The Town should levy impact fees against developer so taxpayers aren't saddled with extra costs; he believed the Planning Board relies upon information provided by the developer and in some instances, the information could be incorrect. Other than issues of traffic, water and sewer, Mr. Schmidt thinks the Town needs to look at the equestrian area. Is it going to develop odors? Development would be low-density and have little impact on the area. Mr. Schmidt is **in favor** of the project.

Dan Daniels, 1912 Tilden Avenue, lives adjacent to the property and has **no objection** to the rezoning and **supports the project 100%**. The infirmed need to be cared for – assume the responsibility and costs associated. The traffic has never affected his property and this project would be a great asset to the community.

Mike Heil, 434 Higby Road believes that this boils down to a business decision. Take property not on the tax rolls (Sitrin Home) and burden the taxpayers. He believed that the land has several issues and that the Town Board keeps saying they have authority to change the zoning but other issues will be addressed by the Town Planning Board. He mentioned Town services to the project such as the Highway Department plowing their roads, Police Department, etc. He urged the Board to make a decision on economics.

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Mark DePerno, an Occupational Therapist at the Charles Sitrin Health Care Center, is proud to have a progressive and reputable health care facility that provides interaction with individuals with paralysis, etc. and cerebral palsy. Through wheelchair basketball these individuals experience an improvement in their health. Mr. DePerno continued that at present you think that you may not have a friend or family with a disability but if in the future you did, wouldn't you want a state-of-the-art facility in your community?

Eileen Lavier, 3813 Snowden Hill Road, has a friend with a small child who is very disabled. Her friend can't get room at a riding arena because there are no openings. We can say we have beautiful homes, traffic, etc., but should you ever need this type of facility (Sitrin Home rehabilitation), a person would have to drive to Albany or Rochester.

Kathleen Schmidt, 28 Wadsworth Road – The fire department is on a volunteer basis. Will we have to have a paid fire department because of extra traffic, which might create more accidents? How much land does the Sitrin Home own? In the future, how much land will be developed five (5) to ten (10) years down the road? This is a good project and Mrs. Schmidt has past work experience in fields encompassing this activity, but she's looking at her area. She is very concerned with the fire department.

CEO Rick Wilson of the Sitrin Health Care Center responded to the questions:

Fire Department – The CEO had talked with New Hartford Fire Chief David Reynolds regarding statistics, the number of times that the Fire Company had responded to the Sitrin Home. Chief Reynolds reported that from January 2002 to the present time, they responded to the site twice.

Tax exempt – Most nursing homes in the area are tax-exempt.

Payroll – The Sitrin Home has a Ten Million Dollar (\$10,000,000) annual payroll.

Construction – Construction projects have been done by local people over past years, which in return support local vendors.

Child Care – There is a high need for child care in New York State especially in our area. Sitrin Home has a small facility for twenty-four (24) children and has recently opened a new facility to accommodate sixty-four (64) children. Do we want our children in another city – parents want their children near them. The Sitrin Home provides care for all age groups; many people from New Hartford probably would have to go elsewhere if it were not for this facility.

Acres – The project would develop forty-two (42) acres of the total two hundred seventy-four (274) acres. A lot of people leave this area because there are no jobs – many people will stay in the area because of the jobs created by the Sitrin Home and the Sitrin Home has also brought people back to the area to work.

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The Town Supervisor asked CEO Wilson if the internal roads were going to remain private or did the Sitrin Home intend to deed the roads to the Town. CEO Wilson stated that the decision for this would probably be with the Town Planning Board. Presently, the Sitrin Home owns the land and they would have to build the roads in accordance with Town specifications.

Regarding the traffic issue, CEO Wilson asked that the people look at where employees come from – Amsterdam, Richfield Springs – twenty-five (25%) percent come from the East – not Chapman or Tilden Ave. CEO Wilson does anticipate twenty-five (25) new employees for this project and this would amount to eighteen (18) cars. CEO Wilson contacted the New York State Department of Transportation and was told that the peak time in their area is between 4:00-5:00 P.M. CEO Wilson stated that he could not find any measurable effect on the roadways by adding six (6) cars per work shift.

Mike Heil asked the total cost of this project and projected salaries. CEO Wilson responded - probably several millions of dollars...maybe twenty-five (25) employees. The benefit is not much to the community right now; there is no way we can get a return on our investment at this point.

Rocco Arcuri, resident of 805 Parkway East in Utica; although not a Town resident, he expressed his concern because he has a parent in the Sitrin Home, and the Home has done a phenomenal job. This project is progress. If we talk about traffic, sometimes good projects get put off because of traffic and don't know if that's the best reason to put off a project. The main building pre-existed many homes that have been built in the past decade or so. Mr. Arcuri noted that times change, we have to move on, with continued growth, and improve the facilities. Maybe only twenty-five (25) jobs but there will be improvement of residents' lives by the facility.

Henry Heil. The project is a good thing, but regarding drainage plans, and all these things, the Planning Board needs to get these things down. Mr. Heil stated that he doesn't understand the process.

Bill Cittadino, 1138 Pleasant Street, thinks all these problems can be solved and **is for the project one hundred (100%) percent.**

David Astafan, 9377 Mallory Road – His father lives on Higby Road and is presently a resident of the Sitrin Home, which is comforting to know his father can be close by. Mr. Astafan is **one hundred (100%) percent in favor** of the project.

There being no further comments, the Town Supervisor declared the Public Hearing closed at 9:14 P.M.

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Councilman Waszkiewicz hoped not to burden taxpayers with any additional responsibilities regarding amenities. There are special district taxes that can be placed on non-profit land, such as sewer, water, fire, sidewalk, lighting, etc. but not for police services. Attorney Rossi stated that the Sitrin property location seems like a low incidence area. Police Chief Raymond Philo said if the Board approves the rezoning, his comments would be made during the SEQR process with the Planning Board. The Highway Superintendent noted that the water issue had been addressed by the Upper Mohawk Valley Regional Water Board (UMVRWB) who expressed concerns with stormwater flows and made some recommendations. Water pressure – talking to CEO Wilson – a water tank, or pumping station would be required before the UMVRWB would issue a positive declaration. CEO Wilson stated that he is not a water expert, but can't do the project without additional water storage and pressure won't be any different. The Sitrin Home has been approached to use a piece of land behind the present water tank on Higby Road, which would be least obtrusive for an additional water tank and this request of the UMVRWB would be reviewed by Sitrin Home Board of Directors before the project could go forward. Based upon the fact that the Planning Board must do review, Councilman Waszkiewicz moved to adopt, which Councilman Backman seconded.

Councilman Backman acknowledged the big issues are traffic and speed limits, which have been reviewed before. As a Suburban Town, the New Hartford Town Board can set speed limits but we can't set them in an arbitrary or capricious manner. There must be supporting data and a study and currently, the Town of New Hartford uses the New York State Department of Transportation engineers for their expertise. The Town does follow the expert's recommendations in setting speed limits. If we veer out of that window, we expose you and ourselves to liability. The Town has done it's own speed limit study, some of which you're aware of. Oneida County owns Chapman, Valley View and Higby Roads and the Town must work in concert with the County. The traffic matter is an on-going issue. Highway Superintendent Cleveland confirmed that Chapman Road is on the TIPS program. We have embraced some problems on Chapman Road and it is in the first engineering phase. The face of health care is changing and it's no secret with the aging population that the old style of health care is palpable. Warehousing our older population is not acceptable. Whether this project passes or fails, independent living facilities will come versus concrete, drab, warehousing of aged population. Someone commented that we need to make a decision based on economics. Many avenues could be debated pro and con. I am not in favor of 501 C (3) – no taxes, etc. and state legislators hand to us to deal with. We need to look at employment and the good work of Sitrin Home and look at the alternative of one hundred sixty (160) homes, which would be more detrimental to the area and put more of a load on our infrastructure, and he believed the Sitrin project is a lesser impact on the area/property. Councilman Backman understands that some present have confusion with the planning process versus the

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zoning process, and the Planning Board can hire consultants and the Sitrin Home will need to cover the expense if it goes that far. Councilman Backman believes the Town needs to look at what is good or bad for the area, that the Town is using a balancing concept, and he is on the side of the zone change.

Despite the problem with traffic, sewer and water, Councilman Woodland is confident that these matters will be adequately addressed during the planning process and that those present at tonight's hearing will have a chance to speak at future public hearings. The Town needs to take a look at a GEIS study, but at this point in time, Councilman Woodland is in favor of the zone change.

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

(RESOLUTION NO. 466 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford, as Lead Agency in the matter of the rezoning request submitted by the Charles T. Sitrin Health Care Center, Inc., does hereby unanimously adopt the determination and findings as set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, that has been filed with the Town Clerk.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Councilman Waszkiewicz then moved that Local Law Introductory No. One of 2002 be adopted as Local Law No. Four of 2002 in the following format; seconded by Councilman Backman:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. FOUR OF 2002

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it pertains to property fronting Higby Road, a description of which is set forth in Section 2, and changing the designation of

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property from RA-2 (Residential Agricultural) and LDR (Low Density Residential) to PDI (Planned Development Institutional).

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, Section 118-8, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-8. Zoning Map

(Change the designation of approximately 208.8 acres, identified as Tax Map Parcels No. 340.000-2-21 and No. 340.000-2-22, owned by the Charles T. Sitrin Health Care Center, Inc., from RA-2 [Residential Agricultural] and LDR [Low Density Residential] to PDI [Planned Development Institutional].)

SECTION 2. The boundaries and description of said district are as follows:

PARCEL 1:

ALL THAT PIECE, PARCEL OR TRACT OF LAND situate in the Town of New Hartford, County of Oneida and State of New York as delineated on a "Map showing property of Floyd E. Wadsworth Estate in the Town of New Hartford, NY made Nov. 2, 1970 by Merritt and LaBella, professional engineer and Land Surveyors" and filed in the Oneida County Clerk's Office, bounded and described as follows, to wit: Beginning at the point of intersection of the northeasterly line of Higby Road with the northwesterly line of land conveyed by Sherman Hills, Inc. to William B. Dickson by deed dated August 28, 1936 and recorded in the Oneida County Clerk's Office in Liber 961 of Deeds at page 295; running thence N. 52 deg. 43' 40" W along the northeasterly line of Higby Road 263.41 feet to an angle point; thence N 48 deg. 50' 06" W along the northeasterly line of Higby Road as conveyed by Floyd Wadsworth to the County of Oneida by deed dated Oct. 22, 1938 and recorded in the Oneida County Clerk's Office in Liber 988 of Deeds and page 318 a distance of 359.98 feet to the most southerly corner of land conveyed by Floyd E. Wadsworth to the Board of Water Supply of the City of Utica by Deed dated Nov. 18, 1966 and recorded in the Oneida County Clerk's Office in Liber 1850 of Deeds at page 571; thence N. 41 deg. 49' 38" E along the southeasterly line of land of said Board of Water Supply 200 feet to point; thence N 48 deg. 56' 40" W along the northeasterly line of land of said Board of Water Supply 150 feet to a point; thence S 41 deg. 49' 38" W along the northwesterly line of land of said Board of Water supply 198.36 feet to a point in the northeasterly line of Higby Road as conveyed by Floyd Wadsworth to the County of Oneida by deed as above mentioned; thence N 46 deg. 52' 22" W along last mentioned line 316.09 feet to a point; thence S 52 deg. 43' 19" W along

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said last mentioned line 5.0 feet to a point; thence N 37 deg. 16' 41" W along the northeasterly line of Higby Road 1171.21 feet to a point; thence 42 deg. 50' 16" E along the northwesterly line of land conveyed by Nehemiah Ensworth to Franklin Wadsworth by deed dated Nov. 17, 1884 and recorded in the Oneida County Clerk's Office in Liber 38 of Deeds at page 317 a distance of 2999.93 feet to a point in the southerly line of Cosby's Manor and said line also being the southerly line of land now or formerly George A. Roberts; thence S 46 deg. 25' 13" E along said last mentioned line 2267.12 feet to a point; thence S 43 deg. 17' 00" W along the northwesterly line of land of now or formerly the Chester Sitrin Nursing Home, Howard Seld, and William B. Dickson 3129.30 feet to the point of beginning, containing 161.309 Acres of land be the same more or less and lying northeasterly of Higby Road.

PARCEL II:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Hartford, Oneida County, New York, described as follows: BEGINNING at the southwest corner of the premises owned by Charles E. Roberts in said Town of New Hartford on the division line between said Roberts and Charles Roth; running thence easterly on a straight line along the southerly boundary line of said premises to the southeast corner of the premises hereby conveyed to a point; thence northerly on a division line between the premises hereby conveyed and the premises of John W. Roberts to the northeast corner of the premises hereby conveyed to the premises of Jennie Roberts; thence westerly on a line to a point; thence northerly to the northeast corner of the premises hereby conveyed and to the division line between the premises hereby conveyed and the premises of Charles Roth; thence westerly to the westerly line of the premises hereby conveyed and the premises of Charles Roth; thence southerly in a straight line along the division line, being the westerly line of the premises hereby conveyed and the premises of Charles Roth, now or formerly; thence in a southerly direction to the point or place of beginning, containing forty acres of land to be same more or less.

The above described premises are also more particularly described as follows: ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Hartford, Oneida County, New York, beginning at the southwest corner of the premises now or formerly owned by Charles E. Roberts in the Town of New Hartford, on the division line between said Roberts and premises now or formerly owned by Charles Roth; running thence S. 54 deg. E. 985.48 feet to a point; thence N. 35 deg. E. 792 feet to a point; thence S. 54 deg. E. 105.6 feet to a point; thence N. 12 deg. E 1069.2 feet to a point; thence N. 54 deg. W. 221.76 feet to a point; thence N. 36 deg. E. 640.65 feet to a point; thence N. 54 deg. W 378.54 feet to a point; thence S. 37 deg. W 2409.66 feet to the point or place of beginning.

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SECTION 3. 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 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

The Town Board Members then voted upon roll call as follows:

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

Local Law Introductory No. One of 2002 was then declared unanimously carried and duly adopted as Local Law No. Four of 2002.

POLICE CHIEF:

Budgetary Transfers

As the result of the receipt of an Insurance Recovery check for damages on a 2000 Crown Victoria Police vehicle in the amount of Three Thousand Four Hundred Sixty-Three Dollars and Forty-One Cents (\$3,463.41) and a donation received by Wal-Mart in the amount of Twelve Hundred Dollars (\$1,200), Councilman Woodland presented the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 467 OF 2002)

RESOLVED that the Town Board does hereby authorize and direct Bookkeeper Carol Fairbrother to make the following 2002 Budgetary revisions:

Increase Account B2680.0 Insurance Recovery	\$3,463.41
Increase Account B3120.4 Contractual Expense	3,463.41
Increase Account B2705.2 Donations Police	1,200.00
Increase Account B3120.4 Contractual Expense	1,200.00.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
(Councilman Butler	-	ABSENT)

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Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Police/Court Facilities

Councilman Waszkiewicz stated that a possible new site has been suggested for new police/court facilities and part hinges on the Kellogg Road Community Center Building where Town Board meetings are currently being held. Councilman Waszkiewicz suggested that the Town Board use the Butler Memorial Hall community meeting room to see if that location is workable. Town Supervisor Humphreys had offered to share the cost of chairs being purchased by the Village of New Hartford (... but the Town needed to see the bill first) for the Butler Memorial Hall facility. Councilman Backman doesn't object to conducting meetings in different areas of the Town, citing meetings that had been conducted in the Donovan Community Center Building, Elm Street, Chadwicks. At the same time, he doesn't want to interrupt the normal process of holding Town Board meetings on the first and third Wednesdays at the Kellogg Road Community Center, clearly the larger room by about one-third (1/3), and there are parking lot issues with Butler Memorial Hall. For the Town's Fifty Thousand Dollar (\$50,000) investment in Butler Memorial Hall, Councilman Waszkiewicz believed the Town Board should try to use the Butler Memorial Hall meeting room for Board meetings for the citizens' benefit. Councilman Backman opposes de-commissioning use of the Kellogg Road Community Center Building because of high use by community organizations. Councilman Waszkiewicz asked if Councilman Backman would check the number of scheduled times that the Kellogg Road Community Center building has been reserved.

Wage Levels

Councilman Waszkiewicz has requested that by the December 4, 2002 Town Board meeting the Personnel Assistant put together a chart of employee wages to determine any inequities.

Stormwater Management – Ney Avenue

Utica College received a NYS Legislative special member item of approximately Two Hundred Thousand Dollars (\$200,00) that had been spent to install a stormwater detention basin on the campus; this will reduce storm water flows to pre-development levels and prevent flooding of twenty (20) New Hartford homes on Ney Avenue. A resolution adopted eighteen (18) months ago enables the Village of Yorkville, City of Utica, Town of Whitestown and New Hartford to maintain this system. The Town Board

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concurred that Councilman Waszkiewicz is to send a thank you letter to NYS Senator Meier and Assemblywoman DeStito for this special member item.

New York State Route 12

Councilman Waszkiewicz reported that the White Paper Study is completed and is going to be sent to Washington, D.C. by December 1, 2002. Phase II is of particular interest for the New York State Department of Transportation, Region 9 as it impacts the economic benefits for the entire Mohawk Valley. Consultants have agreed to look at this Phase.

Website Updates

The Town Board will consider whether to post various Committee minutes on the Town's Website.

Recreational facilities - Southern Reservoir

The Upper Mohawk Valley Regional Water Board will continue to explore development of trail criteria; a site plan will be prepared to show which areas are to be developed. Once this happens, there will be another meeting with the City of Utica.

Definition of Agricultural District

The Assessor's definition of an "agricultural district" is the Town's zoning law. Councilman Backman refuted that, stating that an "agricultural district" is a vehicle of State law, with the Cornell Cooperative Extension defining "agricultural districts" and the benefit of tax breaks. Councilman Waszkiewicz confirmed that realtors were using the zoning definition of "agricultural" rather than using the Cooperative Extension definition.

West Nile Virus - Middlesettlement Road

Councilman Waszkiewicz met with Virginia Cecelia and the Health Department today and the Health Department has stated there is no way that the West Nile Virus could breed in the area of Middlesettlement Road and Liberty Avenue. Councilman Waszkiewicz will send a letter to Ms. Cecilia that he is requesting the New York State Department of Transportation try to address this issue at the front of the Judd Road project, not at the end.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit Of Vouchers

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

(RESOLUTION NO. 468 OF 2002)

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RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of bills itemized on the following Abstracts, which had been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 40	\$ 86,367.16
General Fund, Part-Town Abstract No. 27	32,883.04
Highway Fund Part-Town Abstract No. 31	50,819.71
Street Light District No. 13	2,029.58
Sewer Fund Abstract No. 32	9,820.15
Drainage Capital Project No. 36	2,937.20
Sanger Public Works Garage Roof No. 2	<u>3,822.00</u>
TOTAL	\$188,678.84

Upon roll call, the Town Board voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Agreement – Pledge of Security/NBT

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

(RESOLUTION NO. 469 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to sign a *Third Party Custodian Agreement* for a *Pledge of Security* with NBT Bank, N.A.

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

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

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Stormwater Drainage - Pleasant Street (Cont'd from Page 3)

The Town Supervisor informed Attorney Rossi drainage involving Pleasant Street and Attorney Rossi apprised the Board that the question regarding a lawsuit was, in fact, a Notice of Claim. Attorney Rossi had been briefed on this matter (Page 3 of these minutes) and Councilman Waszkiewicz explained the Board's concern about contributing financially to help defray the cost of correcting Utica's stormwater problem and whether the Town might be exposed to liability. Attorney Rossi told the Board that it would not make a difference. Upon the recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 470 OF 2002)

WHEREAS, Pleasant Street is located in the City of Utica, with homes on the south side of Pleasant Street being situate in the Town of New Hartford, with stormwater run-off flowing from Town parcels into the City of Utica; and

WHEREAS, the City of Utica has expended Forty Thousand Dollars (\$40,000) on a project to correct the stormwater problems on Pleasant Street;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the payment of Nine Thousand Two Hundred Six and 50/100 Dollars (\$9,206.50) to the City of Utica to help defray costs incurred for stormwater improvements on Pleasant Street.

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

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

The Supervisor declared the Resolution carried and duly adopted

Fairway Estates – Railroad Crossing

Supervisor Humphreys presented an Agreement regarding the railroad crossing at Fairway Estates – Estates Drive. In exchange for a contribution of Five Thousand Dollars (\$5,000), the Town would receive a right-of-way over the railroad crossing so that the Town can maintain a section of Estates Drive. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

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(RESOLUTION NO. 471 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the payment of Five Thousand Dollars (\$5,000) in exchange for a right-of-way over the railroad grade crossing at Fairway Estates, in order for the Town to maintain a section of Estates Drive, a Town road; further, that the Town Supervisor be, and he hereby is, authorized and directed to sign the necessary legal documents to achieve this end.

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

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

The Supervisor declared the Resolution carried and duly adopted

Competitive Bid – Reconstruction of Bleachery Avenue Bridge

Highway Superintendent Cleveland has received the contract documents from Delaney Construction for the reconstruction of the Bleachery Avenue bridge; said documents have been reviewed by Attorney for the Town, Vincent Rossi, Jr. who has found the documents to be order. Upon recommendation of the Highway Superintendent, Councilman Backman presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 472 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the low bid of and does hereby award the contract to ***Delaney Construction Corporation*** as per their bid submitted in the amount of Eight Hundred Sixty-nine Thousand Dollars (\$869,000) for the Reconstruction of the Bleachery Avenue Bridge project; and does further authorize and direct the Town Supervisor to sign all contract documents relating to this project and that the Town Clerk affix the Town Seal to said contract documents.

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

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

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The Supervisor declared the Resolution unanimously carried and duly adopted.

EXECUTIVE SESSION

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

(RESOLUTION NO. 473 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the certiorari (assessment) proceedings involving Loyal Holdings, DeTraglia, Salerno, and Herbowy vs. the Town of New Hartford and a particular law enforcement matter involving public safety.

A roll call vote ensued:

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

The Supervisor declared the Resolution carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy, were then excused from the meeting at 10:56 P.M. Those remaining for the Executive Session were Vincent J. Rossi, Jr., Attorney for the Town, Police Chief Raymond Philo and Juvenile Aide Officer Fran Manfredo.

[NOTE: The following transcript was provided by the Town Supervisor Ralph Humphreys on Thursday, November 21, 2002.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 474 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, which resulted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

The Supervisor declared the Resolution carried and duly adopted.

The Resolution was declared unanimously carried and duly adopted. The Executive Session ended at 11:10 P.M. and the regular session of the Town Board immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 11:12 P.M.

Respectfully submitted,

Margaret M. Jones
Deputy Clerk I

Gail Wolanin Young, CMC/RMC
Town Clerk