

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

The Town Supervisor called the meeting to order at 7:00 P.M. and 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 David W. Butler  
Councilman Richard B. Woodland, Jr.  
Supervisor Ralph B. Humphreys

**OTHER TOWN OFFICIALS:** Assessor Paul E. Smith (Arrived 8:50 P.M.)  
Codes Enforcement Officer Gerald F. Back  
Highway Superintendent Roger A. Cleveland  
Planner Kurt L. Schwenzfeier  
Police Chief Raymond Philo (Arrived at 8:00 P.M.)  
Supervising Public Safety Telecommunicator Jeffrey  
Madden (Arrived at 8:00 P.M.)  
Town Clerk Gail Wolanin Young and Deputy Town  
Clerk I Margaret M. Jones

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

**REPORTS OF TOWN OFFICIALS**

**CODES ENFORCEMENT OFFICER:**

**Inter-municipal Agreement – Building Codes Enforcement/Village of New Hartford**

Codes Enforcement Officer Gerald Back acknowledged that on December 14, 2002 the Town Board adopted a Resolution pertaining to the Town's providing Building Codes Enforcement services, exclusive of zoning matters, to the Village of New Hartford, the latter of which does not have a certified Codes Enforcement Officer. With regard to the proposed Inter-municipal Agreement, the Village has asked that a thirty (30) to sixty (60) day renewal/cancellation clause for either party be included. Town Supervisor Ralph Humphreys suggested that the termination notice be ninety (90) days. Effective January 1, 2003 the Town Codes Enforcement Office will be issuing permits and inspecting all new construction in the Village of New Hartford with the exception of the Sunset Wood addition that's about half completed. Attorney for the Town, Vincent Rossi Jr., was concerned with any problem that might occur between zoning and building permits for Village property ... someone would have to determine if the purpose was appropriate within zoning. Codes Enforcement Officer Gerald Back assured Attorney Rossi there

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would not be a problem with coordinating with the Village Zoning Officer Terrance Martin, who will deal with signs in the village, junk cars, etc.

### *Proposal to Increase Building Permit Fees and other related permits*

The Codes Enforcement Officer distributed a chart comparing existing fees in Chapter 118, Zoning, of the Town Code, as well as proposed increases to become effective in 2003, together with a draft local law:

- **Site- Grading Permit Fee**  
Discussion ensued on site grading fees, with the Highway Superintendent and Codes Enforcement Officer explaining that the larger the project, the more staff time is involved for inspections. The question was raised that the rate for anything above ten (10) acres is doubled. After further discussions, it was the consensus of the Board that the fee for the Site Grading Permit would be One Hundred (\$100) Dollar minimum for property that measures one (1) acre or less and for property over one (1) acre the cost would be One Hundred (\$100) Dollars per acre.
- **Zoning Board of Appeals Matters**  
Due to the time and expense involved in notification of people who are affected by matters dealing with Zoning, the consensus of the Town Board is that anyone who applies for a Notice of Appeal (Variance) will be allowed only one (1) no-show for a hearing unless the Zoning Board adjourns the hearing. Should the applicant for the Zoning matter need to cancel their hearing on more than one (1) occasion, the applicant will be required to re-apply and pay the necessary Application fee.
- **Fence Permits**  
Responding to Councilman Butler's questions, the Codes Enforcement Officer stated that by instituting fees for fences, decks and other miscellaneous items the Town will have control of the structure's height, lot lines, set back requirements, and, in the case of decks, proper construction to the residence. CEO Gerald Back confirmed that other municipalities have permits and fees for these types of structures; agricultural districts will be exempt from fence permits.
- **Fire Inspections**  
Answering Councilman Butler's inquiry, the Codes Enforcement Officer explained that if deficiencies or violations are discovered in fire inspections, notice will be given to the property owner, with a time limit to correct the problem(s); and if the corrections are not completed within the designated time-frame, the Town can take the property owner to court for violating the State Building Codes. The Codes Enforcement Officer confirmed that a multi-family

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dwelling is three (3) or more family units in one structure. Vincent J. Rossi, Jr., Attorney for the Town, cautioned the Town Codes Enforcement Officer to use the proper Village title when enforcing Village Building Codes under the Inter-municipal Agreement.

**Amended Inter-Municipal Proposal for Building Codes Enforcement – Village of New Hartford**

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

**(RESOLUTION NO. 498 OF 2002)**

**WHEREAS**, the Town Board of the Town of New Hartford does hereby offer to the Village of New Hartford the following Proposal regarding the administration and enforcement of the revised New York State Uniform Fire Prevention and Building Code effective January 1, 2003:

- 1) the Town of New Hartford will administer the Building Codes only for the Village of New Hartford, which includes issuance of Building Permits in regard to all items that pertain to the New York State Building Code.
- 2) Inspect all new structures in accordance with procedures under the New York State building Code.
- 3) Investigate bona fide complaints in buildings that are under the New York State Building Code.
- 4) Do fire inspections on existing structures, such as public assembly, multi-family and non-residential according to Part 444 of the New York State Building Code.

Also, the Village can use the Town of New Hartford Permit Fee Schedule to generate revenue for both municipalities on a fifty-fifty (50/50) percentage ratio. The above proposal could be accomplished with an Inter-municipal Agreement between the Village of New Hartford and the Town of New Hartford for the sum of Six Thousand (\$6000) Dollars per year; and

**WHEREAS**, this Inter-municipal Agreement between the Town Board of the Town of New Hartford and the Village Board of the Village of New Hartford will include a ninety (90) day trial period in which either side in the Agreement will be able to cancel the Agreement;

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**NOW, THEREFORE, BE IT RESOLVED** that upon review by Vincent J. Rossi, Jr., Attorney for the Town of New Hartford, the New Hartford Town Board will enter into an Inter-Municipal Agreement with the Village Board of the Village of New Hartford whereby the Codes Enforcement Office of the Town will administer and enforce the Building Codes as per the New York State Uniform Building Code for the Village of New Hartford.

Upon roll call, the Town Board members voted as follows:

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

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

**Agricultural districts – exempt from NYS Uniform Fire Prevention and Building Code**

Responding to Councilman Backman’s inquiry about agricultural districts, Codes Enforcement Officer Gerald Back stated that the New York State Uniform Fire Prevention and Building Code regulates only areas of human habitation, which does not have anything to do with a farm, and is therefore exempt.

**Proposed Local Law Introductory – 239 Review**

Upon recommendation of the Codes Enforcement Officer, Councilman Backman offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 499 OF 2002)**

**WHEREAS**, the Town Codes Enforcement Officer has proposed increases in certain fees in the Town Code, Chapter 118 thereof entitled ZONING, Section 118-93;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk to refer said proposed fee increase legislation to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendations in accordance with General Municipal Law and the Town’s Zoning Law.

A roll call vote ensued:

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

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

**PUBLIC HEARING**

**8:04 P.M.**

**LOCAL LAW INTRODUCTORY NO.  
THIRTEEN OF 2002**

The Town Supervisor opened the Public Hearing at 8:04 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (December 8, 2002 edition of the Observer Dispatch) and Affidavit of Posting of **Local Law Introductory No. Thirteen of 2002** which, if adopted, would amend the **Code** of the Town of New Hartford, **Chapter 118** there of entitled **Zoning**, and map coincidental there to, 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). The Town Clerk presented the written recommendations of approval from the Town Planning Board and the Oneida County Planning Department; affected property owners within a 500-foot radius were notified of the Public Hearing. Relative to the SEQR process, interested/involved agencies were contacted in October 2002, with the following agencies having responded:

- Oneida County Planning Department
- Upper Mohawk Valley Regional Water Board
- Oneida County Department of Public Works
- Oneida County Health Department.

Supervisor Humphreys inquired if anyone present wished to speak **in support** of Local Law Introductory No. Thirteen.

- Donald Ehre, P.E., spoke for the applicant, Fifth Garden Park, which owns the Parkview Estates Mobile Home Park. The applicant has requested a rezoning of a three (3) acre portion of a 10.8-acre parcel located on northwesterly side of Middlesettlement Road, approximately 2/10 mile from Seneca Turnpike, for the purpose of constructing a system of internal roadways and infrastructure utilities to provide for the siting of thirteen (13) mobile homes in the existing Mobile Home Park. The applicant intends to preserve the green space as shown in the conceptual site plan. Joseph Dodge, manager of the Mobile Home Park, was

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present to answer any questions. The area to be rezoned is bordered by Par Technology, the Twin Orchards property, a few residences and some smaller businesses/rental properties. Mr. Ehre stated that the light and air easement with the Bonomo family would be increased. If the Town Board approved the rezoning, more detailed development plans will be presented to the Town Planning Board for their review and approval. The existing entrance to this three (3) acre portion is paved and permitted by the Oneida County Department of Public Works. The applicant's intent is to build roads to town specifications but there is no intent to deed any of the mobile home park roadways to the Town. Joseph Dodge stated that there is no intent to make the roads public because the Park does not want give up their right to post speed limits, control peddlers and solicitors, etc.

Councilman Waszkiewicz would support the change but voiced his concern regarding the impact of an additional driveway for ingress/egress to Middlesettlement Road and asked that the Planning Board analyze to the fullest extent whether a second entrance to the Park is necessary or warranted. Another concern is the number of accidents near First Source Federal Credit Union. Councilman Backman understands Councilman Waskiewicz' statement, basically a cul-de-sac development, but this second access eliminates that by providing another way out of the development. Town Planner Kurt Schwenzfeier explained that this is not a rezoning matter, that the Town Board only considers use of the land; the Town Planning Board would address a second driveway.

Supervisor Humphreys questioned if anyone present wished to speak **in opposition** to Local Law Introductory No. Thirteen; no one came forth.

There having been no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 8:22 P.M.

**SEQR Negative Declaration – Local Law Introductory No. Thirteen of 2002**

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

**(RESOLUTION NO. 500 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 Fifth Garden Park, Ltd., does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance filed in the Town Clerk's Office by Town Planner Schwenzfeier.

The Town Board voted upon roll call:

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

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

**Adoption – Local Law No. Thirteen of 2002 (Rezoning – Parkview Estates Mobile Home Park)**

Thereafter, Councilman Woodland moved that Local Law Introductory No. Thirteen of 2002 be adopted as Local Law No. Thirteen of 2002, in the following format; seconded by Waszkiewicz:

**Town of New Hartford, New York**  
**Local Law 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.

A roll call vote ensued:

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

Local Law Introductory No. Thirteen of 2002 was thereafter declared unanimously carried and duly adopted as Local Law No. Thirteen of 2002.

**REPORTS OF TOWN OFFICIALS**

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**HIGHWAY SUPERINTENDENT:**

**Concord Boulevard**

Anthony Milograno, of Concord Boulevard West, has sent Highway Superintendent Cleveland a letter stating his displeasure that the Town is not providing snow and ice control on a paper street which he uses to access his home. Highway Superintendent Cleveland stated that for many years the only available turn-around at the end of Concord Boulevard West was the entrance to a sanitary pump station. People traveling the street, who did not want to turn around at the pump station, used Mr. Milograno's driveway for this purpose, which used to be a paper street. For many years the Town tried to compensate Mr. Milograno for this inconvenience by helping to keep the driveway plowed. This past year, the Highway Department constructed an improved turn-around at the end of the street that can be used by private vehicles and by school buses. As such, the driveway is no longer an integral part of the vehicle operations on the street and therefore, Superintendent Cleveland stated that he has instructed his forces to not enter the driveway (paper street) area in the future. Mr. Milograno's letter further states that he has offered the paper street to the Town on several occasions, but Superintendent Cleveland stated that the road has not been offered in an improved condition and there appears to be no interest by the Board in acquiring it in its present condition, which is simply a gravel driveway. Some time ago, the Town did install storm water piping along a portion of the paper street, but this was not so much as to provide drainage for the paper street as it was to provide a storm water conveyance system for high water conditions in the wetland area to the east of Concord Boulevard West. Vincent Rossi, Jr. agrees with the Highway Superintendent's position.

**SEOR Lead Agency Status - Higby Road Water Project**

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

**(RESOLUTION NO. 501 OF 2002)**

**WHEREAS**, the Town of New Hartford, hereinafter referred to as the "Town", is proposing to cause to be constructed a water distribution system to serve town residents, businesses, and institutions; and

**WHEREAS**, the Town of New Hartford Town board must evaluate all proposed actions submitted for its consideration that may affect the environment in light of the State Environmental quality Review Act (SEQRA) and the regulations promulgated thereunder; and

**WHEREAS**, the involved agencies [as that term is defined in 6(A-2) NYCRR 617.2(t)]

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Include the New York State Department of Health and the New York State Department of Environmental Conservation, and the required environmental review will be conducted solely by the Town of New Hartford Board of Trustees; and

**WHEREAS**, the Town of New Hartford Board of Trustees desires to serve and act as the lead agency for the purposes of SEQR; and

**WHEREAS**, to aid the Town of New Hartford Board of Trustees in determining whether the Action may have a significant impact on the environment, a Full Environmental Assessment Form dated December 18, 2002, has been prepared by the Town and a copy of which has been filed with the Town Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Town of New Hartford Board of Trustees of the Town of New Hartford that:

The Town of New Hartford Board of Trustees make the following finds and determinations with respect to the proposed project:

The project constitutes and “**Type I Action**” as that term is defined in Section 6(A-2) NYCRR Section 617.2(kk) and 617.11;

The Town of New Hartford Board of Trustees desires to serve as lead agency for the purposes of SEQR.

The Town Clerk shall cause the New York State Department of Environmental Conservation, as the other “involved agency” to be notified of this resolution.

The resolution shall take effect immediately.

A roll call vote ensued:

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

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

**Applewood Pump Station**

The Highway Superintendent reported that the sanitary line was going through a domestic water line, and the line needs to be rerouted. The quote given to move approximately one

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hundred (100) foot of water line was extremely high so the Town will work in conjunction with the Upper Mohawk Valley Regional Water Board to correct the problem. The Highway Superintendent has told the Water Board to proceed. The Water Board will use their equipment and the Town will take care of resurfacing the road.

### **Proposed Agreement – Use of Vacant Sears Tire & Battery Store/Sangertown Mall**

The Councilmen have reviewed and returned to the Highway Superintendent a “no cost” agreement to use the Sears Tire and Battery Store, offered by the Sangertown Mall with whom Highway Superintendent Cleveland has met. The Town could look at siting some police equipment there or possibly placing some highway equipment at the vacant store. The Attorney for the Town has reviewed the proposed Agreement. The Town would have a sixty (60) day termination notice in the contract. Highway Superintendent Cleveland will confirm with Sangertown that the Town would pay no utilities.

## **PUBLIC PRESENTATIONS (CONT'D)**

### **(ABANDONED) CEMETERY:**

James Seemann of 44 Beechwood Road and his Attorney, Peter Palewski were present regarding a tombstone found in Mr. Seemann’s and a neighbor’s backyards as well as Sgt. Appler’s confiscation of the tombstone on December 17, 2002. Mr. Seemann believes his house was built on a cemetery and he is asking the Town to buy his house. Vincent Rossi, Jr. the Attorney for the Town of New Hartford stated that the Town’s position is that they are not going to buy the house. Police Chief Philo added that the Police Officer acted in accordance with Town Board direction of December 4, 2002, asking for the tombstone, and providing the resident a receipt .... the Police Officer did not confiscate the tombstone. Councilman Backman explained that the New Hartford Historical Society has been contacted for their interest in identifying any potter’s fields, family plots and/or cemeteries. Attorney Rossi explained that there is a section of law that imposes responsibility of maintaining cemetery, but no provision in the law for a municipality to purchase a property owner’s house. Attorney Peter Palewski stated that if, in fact, there is a cemetery beneath his client’s house, or on the property of neighbors on either side, someone would have to dig and bring up bones. It’s possible the developer could have used the stones for fill. Attorney Rossi asked Mr. Seemann if he wanted the tombstone returned; Mr. Seemann stated, “No, I want the Town to buy my house.”

### **TOWN CLERK:**

#### **Raffle Consent**

Upon recommendation of Town Clerk Gail Wolanin Young, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 502 OF 2002)**

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**RESOLVED** that the New Hartford Town Board does hereby grant permission to Compeer of the Mohawk Valley, Inc., an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

**FURTHER RESOLVED** that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

A roll call vote ensued:

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

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

**Draft Local Law – Increase in Building Permit and other related fees**

The Town Clerk presented draft legislation, a Local Law to amend the Code of the Town of New Hartford **Chapter 118** thereof entitled **ZONING** and specifically Article XV [Miscellaneous Provisions], Section 118-93 [Fees]; Subparagraphs C through J, inclusive, as same relate to building permits, certificates of occupancy, zoning and other related fees. The draft legislation was prepared from information provided by the Codes Enforcement Officer; upon the Town’s receipt of the 239-reviews by the Oneida County Planning Department and Town Planning Board, the legislation will be introduced and a Public Hearing scheduled.

Also, draft legislation, a Local Law to Amend Chapter 98 of the Code of the Town of New Hartford, **Chapter 98** thereof entitled **Sewers**, and specifically Article II [Sewer Connection Regulations], Section 98-17 [Permit required; fee] was presented to the Board; introduction of this legislation and a Public Hearing will be done simultaneously with the permit fees (Chapter 118, Zoning) legislation.

**POLICE CHIEF:**

**(Abandoned) Cemetery - Tombstone**

Police Chief Raymond Philo reported that the Police Department has in their possession two (2) tombstones from the Beechwood Road area and that these tombstones were obtained unobtrusively. The Mathias property owners had given the tombstone in Mr. Seemann’s possession to him. Burke Galer and Barbara Couture with the Historical Society are making some headway with this issue.

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### **Seniority - Part-Time Dispatcher**

Telecommunicator Supervisor Jeffrey Madden approached the Board with a question on seniority for a part-time dispatcher who will be promoted to full-time in the Emergency Dispatch Center. If this dispatcher does go full-time, his hourly earnings would be less than what he presently earns as a part-time dispatcher. Attorney for the Town, Vincent Rossi, Jr. interpreted that seniority only applies to full-time dispatchers as per their Contract; Attorney Rossi will review the request and report his findings to the Town Board.

## **MATTERS SUBMITTED BY COUNCILMEN**

### **COUNCILMAN WASZKIEWICZ:**

#### **Support Staff Wage:**

Councilman Waszkiewicz presented a chart, which was prepared by the Personnel Assistant. He is attempting to achieve parity in wages, considering that all teammates are model employees, etc. as well as the length of service for employees. In the Police Department, the Police Chief supported equal pay even though one employee has eleven (11) years and one has twelve (12) years of service. Discussion included from what account any salary increases would be paid. The Town Board agreed to defer action until account figures were identified.

#### **Route 12 North/South Highway Corridor Improvement**

Councilman Waszkiewicz gave an update on this project and stated he will attend the next meeting on December 20, 2002. He believed for our area to be a viable community, it should be our goal to establish mass transit that can provide safe and economic transportation for people in and around our region. One way that this might be accomplished is by the New York State Department of Transportation to spearhead implementing an authority to look into accomplishing this mass transit.

#### **GEIS**

Councilman Waszkiewicz will meet with Town Planner Kurt Schwenzfeier and the Planning Board on coordination of a GEIS for the Charles Sitrin Health Care Center regarding traffic, water and storm water management and will report to the Town Board on their recommendations on how to proceed with this project.

### **COUNCILMAN BACMAN:**

#### **Computer study**

Councilman Backman presented information regarding support for the Town's computer systems. PC Support quoted a cost of Forty-Five Dollars (\$45) per hour with no payment up front; ESI has quoted Fifty-Five Dollars (\$55) an hour for PC and Eighty-Five Dollars (\$85) per hour for networking. Councilman Backman suggested that the Town contact

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other area computer firms to determine their interest in providing support. Councilman Backman further stated that the Town has a mishmash of computers and he suggested re-organizing a Computer Committee to complete the computer manual to set operating standards within the Town and to review the computers that exist. Councilman Backman and Assessor Paul Smith volunteered to be on this committee and Councilman Waszkiewicz offered to remain on the committee as an adviser. The Town Supervisor will e-mail all Department Heads that the Town Board has suspended all purchases of computer and computer-related equipment and that if an emergency occurs, Department Heads must consult with the Town Supervisor; further that ESI is not to be called for computer support effective January 1, 2003. It was the consensus of the Town Board that the Town consider proposals and enter into an agreement with a different firm for computer support.

**MATTERS SUBMITTED BY THE TOWN SUPERVISOR:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 504 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. 43	\$ 18,470.07
General Fund, Part-Town Abstract No. 30	\$ 9,874.89
Highway Fund Part-Town Abstract No. 33	\$ 30,344.68
Sewer Fund Abstract No. 34	\$ 7,881.63
Clinton Street Sewer Abstract No. 4	\$ 10,688.50
Butler Memorial Hall Renovations	
Abstract No. 1	\$ 60.00
Drainage Capital Project Abstract No. 8	\$ 1,796.79
<b>TOTAL:</b>	<b>\$ 79,116.56</b>

Upon roll call, the Board members voted as follows:

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

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The Resolution was declared unanimously carried and duly adopted

**Year-End (2002) Town Board Meeting – 2003 Reorganizational Meeting**

A discussion was held regarding the need to hold a year-end meeting and to set the date for the re-organization meeting, after which Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 505 OF 2002)**

**RESOLVED** that the New Hartford Town Board shall conduct a Special Board Meeting on Saturday, December 28, 2002, at 10:00 A.M. in the Supervisor's Office at Butler Memorial Hall, 48 Genesee Street, New Hartford for the purpose of year-end transfers involving over-expended/under-expended accounts and to introduce two local laws introductory; and be it further

**RESOLVED** that the Town Board of the Town of New Hartford will conduct a re-organizational meeting on Thursday, January 2, 2003, at 6:00 P.M. at the Kellogg Road Community Center.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

**New Hartford Public Library**

The Town Supervisor had received a letter from the Friends of the New Hartford Public Library that will conduct its Annual Ice Cream Social on July 9, 2003, and there will be a fireworks display.

**Annual Re-Assessment update**

Assessor Paul Smith has met with the appraiser and the State on Monday and the re-assessment program is proceeding well. In some instances, a re-inspection was necessary. The Assessor is trying to resolve reimbursement – maintenance aid money. Another meeting is scheduled for December 21, 2002 and the Assessor noted that the Town would probably be doing more home appraisals than in the past couple of years.

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**Commercial Tax Grievances – Income and Expense Data**

In another matter, the Assessor suggested the Town Board consider adopting a local law requiring taxpayers filing a tax grievance on commercial property to supply their income and expense information with their grievance application.

**Police Coverage in the Village of New Hartford**

Supervisor Humphreys stated that New Hartford village residents benefit from Town Police coverage but do not pay any taxes for this service. The Police Chief will look into the cost of this service to village residents and Attorney Rossi will look into the legal end.

**Health Insurance Coverage – Retired Employees**

Fifteen (15+) plus years ago an employee retired from the Town, and he asked that he and his wife be placed on town health insurance. From 1987 through May 1988 – no specific resolution was found in the Town minutes addressing this employees' request – only a November 1987, Resolution #400. The Town Supervisor asked Attorney Rossi to review said Resolution; Attorney Rossi concurred that the wife shouldn't be covered and the Attorney will write a letter explaining that the wife's coverage will be discontinued unless the employee decides to pay out-of-pocket for his wife's coverage.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 506 OF 2002)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the following certiorari (assessment) proceedings brought against the Town of New Hartford:

- Giotto
- Loyal Holding
- Applewood Community
- Kaplan and Mazloom.

A roll call vote ensued:

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

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Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy, were then excused from the meeting at 11:04 P.M. Those remaining included Attorney Rossi and Assessor Smith.

[NOTE: Supervisor Humphreys provided the following transcription on Thursday, December 19, 2002.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 507 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 11:18 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Butler and seconded by Councilman Waszkiewicz, the meeting was adjourned at 11:20 P.M.

**Respectfully Submitted,**

**Margaret M. Jones  
CMC/RMC  
Deputy Town Clerk I**

**Gail Wolanin Young,  
Town Clerk**