

**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,
JANUARY 15, 2003 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: Codes Enforcement Officer Gerald F. Back
Highway Superintendent Roger A. Cleveland
Planner Kurt L. Schwenzfeier
Police Chief Raymond Philo (arrived at 7:45 P.M.)
Telecommunications Supervisor Jeffrey Madden
(arrived at 9:00 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.

MINUTES

The Town Board deferred action on the January 2, 2003 minutes until the next meeting.

REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER:

Inter-Municipal Agreement – Building Codes Enforcement Services

Town Supervisor Humphreys has signed the Inter-municipal Agreement wherein the Town of New Hartford will provide the Village of New Hartford with Building Codes Enforcement Services. Supervisor Humphreys stated that there was one minor change, which is the request of the Village to pro-rate the Agreement's annual sum of Six Thousand Dollars (\$6,000) in the event the Agreement is cancelled during fiscal year 2003. Village Attorney Gustave DeTraglia will check the legality of sharing fees and report to the Town Board.

Town Codes Enforcement Officer Gerald Back will maintain a log of time spent on enforcing Village law and the New York State Uniform Fire Prevention and Building Code (UFPBC) within the Village.

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Zoning Violation

Amy Galligano, the owner of 36 Morgan Lane is in violation of the Town's 1999 Zoning Law. A variance had been approved in 1999 for a sixteen (16) foot addition to her existing garage. When a new neighbor wishing to erect a fence had a survey done, it was discovered that the garage at 36 Morgan Lane was closer to the side lot line than approved by the Zoning Board of Appeals (ZBA). (The garage is two [2] feet three [3] inches from the line versus the five [5] feet set back required by the ZBA variance.) The Galliganos were before the ZBA once and failed to show up during a ninety- (90) day time frame. John Longieretta, attorney for the Galliganos, wrote a letter to the ZBA stating his client withdrew their application before the ZBA. Codes Enforcement Officer (CEO) Back is seeking advice from Attorney Rossi. CEO Back has already notified the property owner of their violation and that action must be taken to comply with the law. Attorney Rossi will represent the Town in Town Court should the property owner choose not to re-appear before the ZBA to correct this situation. The CEO will serve papers on the Galliganos.

HIGHWAY SUPERINTENDENT:

Competitive Bid - Truck Purchase

The Highway Superintendent reported the following bids were received on December 27, 2002 for a truck:

- Capglo Truck Sales, Inc. \$58,700.00
- Utica General Truck Co., Inc. 66,363.00

The Highway Superintendent recommended an "add-on" for the vertical stack, totaling Three Hundred Dollars (\$300). Based upon the recommendation of the Highway Superintendent, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 22 OF 2003.)

WHEREAS, the Town Superintendent of Highways did, on the 15th day of January, 2003, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, the following equipment from Capglo Truck Sales, Inc., 703 Oriskany Boulevard, P.O. Box 217, Yorkville, NY:

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- one (1) 2003 Freightliner model FL-70 chassis with a Bibeau eighteen – (18) foot model MO steel body brush truck including tarp and vertical stack, excluding air-conditioning

as per Town specifications for a maximum aggregate price of Fifty-Eight Thousand Five Hundred Dollars (\$58,500), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by April 15, 2003.

A contract for the item(s) purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of the item(s) purchased, the Town Supervisor shall pay the amount of Fifty-Eight Thousand Five Hundred Dollars (\$58,500) from budgetary appropriations for purchase of equipment.

Upon roll call, the Town Board voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Competitive Bid - Street Sweeper Purchase

The Highway Superintendent reported that the following bids were received on December 27, 2002, for a new street sweeper:

- | | |
|---|-------------|
| • Roberts Equipment | \$94,370.00 |
| • Monroe Tractor Construction Equipment | 97,800.00 |
| • Cyncon Equipment, Inc. | 94,427.00 |

Since no bid security was included in the bid received from Roberts Equipment (low bidder), the Highway Superintendent recommended that the bid be awarded to Monroe Tractor Construction Equipment, the second lowest bidder. The Highway Department has purchased machinery from Monroe in the past and is satisfied with their equipment. Upon the recommendation of the Highway Superintendent, Councilman Wazkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 23 OF 2003.)

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WHEREAS, the Town Superintendent of Highways did, on the 15th day of January, 2003, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, the following equipment from Monroe Tractor Construction Equipment, 7300 Eastman Road, N. Syracuse, NY:

- one (1) 2003 Elgin Pelican P street sweeper

as per Town specifications for a maximum aggregate price of Ninety-Seven Thousand Eight Hundred Dollars (\$97,800), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by April 1, 2003.

A contract for the item(s) purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of the item(s) purchased, the Town Supervisor shall pay the amount of Ninety-Seven Thousand Eight Hundred Dollars (\$97,800) from budgetary appropriations for purchase of equipment

Upon roll call, the Town Board voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Bid Security Deposits

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

(RESOLUTION NO. 24 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Bookkeeper Carol Fairbrother and Town Clerk Gail Wolanin Young to refund various bid security deposits to the unsuccessful bidders on the designated projects:

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Brush Truck

- Utica General Truck Check \$3,318.15

Street Sweeper

- Cyncon Equipment, Inc. Bid Bond.

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 Supervisor declared the Resolution unanimously carried and duly adopted.

Curbside Trash Collection

For a number of years, complaints have been received about the aesthetics of the town with trash being out every day of the week. Last year the Highway Superintendent began talks with trash haulers about creating *garbage collection* districts and/or on a cooperative basis, collecting all household garbage from any given area on a particular day of week thus eliminating garbage on the streets five (5) days a week; another meeting is needed with the haulers. The Highway Superintendent believes the local trash haulers are amenable to doing a collection area on one (1) day per week. Some residents would have their collection day changed and their garbage hauler would be responsible for notifying their customers. The Town also would need to do some public relations.

The second issue is the Highway Department's time going up geometrically each and every year for the *white trash (spring) collection*, including time, wear and tear on equipment, fuel and for all reasons stated in previous meetings (imported trash from other communities, inordinate amount from certain households on a continuous basis). Can the Town still provide its residents with overall service, the removal of solid waste from households, but somehow curtail town involvement – entire workforce for six weeks – especially if there would be a tax cut associated with it? The Highway Superintendent has met with Hans Arnold of the Oneida-Herkimer County Solid Waste Authority and has put together a program where the Town can get out of certain waste pick-up. Some haulers will take small incremental amount of items away as part of their normal trash collection. If so, there is no need for town residents to hoard items if the items are put out regularly and picked up by their hauler. If the Town provides dumpster service more frequently, the same level of service could be provided. The haulers might charge for some items collected. The Highway Superintendent has looked at a number of options and perhaps starting in April, the Town could offer two (2) different times for dumpster

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collection. The Highway Superintendent believes the Town could realize a possible tax reduction while providing the same level of service to residents. This service will not entail use of the Highway Department, which has enough work to do maintaining town highways and right-of-way and storm water management. The Highway Superintendent has a quote on some public relations articles to ensure that people understand there is still an avenue to remove trash from their property. Tipping fees are exorbitant and it costs the town to remove the Freon from the refrigerators.

A discussion on the *construction and demolition debris* was held regarding the cost of picking it up and removing it from curbside collection. There have been flat tires on the pay loader from nails. The Highway Superintendent believes the savings to the Town could be about fifty (50%) percent and would equate to about Thirty to Forty Thousand (\$30,000-\$40,000) Dollars. The Town Board will consider this proposal.

PUBLIC HEARINGS

**8:01 P.M. Local Law Introductory No. Fourteen of 2002
(Zoning-Variou Permit Fees)**

The Town Supervisor opened the Public Hearing at 8:01 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (January 3, 2003 edition of the Observer Dispatch) and Affidavit of Posting of **Local Law Introductory No. Fourteen of 2002** which, if adopted, would amend the **Code, 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 Town Clerk acknowledged receipt of the response from the Oneida County Planning Department that issued a “no recommendation.” Codes Enforcement Officer Gerald Back had submitted a Short Environmental Assessment Form.

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

- CEO Gerald Back stated that the new fees would be more in line with what other municipalities charge and that new fees are being created for services being required of the Codes and Planning Offices.

The Town Supervisor stated that the Town Planning Board had difficulty with a quorum and the Town Board must await receipt of their written recommendation before acting on this legislation.

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After some discussion on building permits for fences (a new permit), the Town Board proposed eliminating this from the legislation; the Codes Enforcement Officer concurred.

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

There having been no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 8:18 P.M.

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

(RESOLUTION NO. 25 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct that permits/fees for fencing be removed from Local Law Introductory No. Fourteen of 2002.

The members of the Town Board voted as follows:

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

Supervisor Humphreys declared the Resolution unanimously carried and duly adopted.

Councilman Backman presented the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 26 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford defers taking action on Local Law Introductory No. Fourteen of 2002, until the February 5, 2003, Town Board meeting.

The foregoing Resolution was subject to a vote upon roll call:

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

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

8:19 P.M. Local Law Introductory No. Fifteen of 2002 (Sewers)

The Town Supervisor opened the Public Hearing at 8:19 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (January 3, 2003 edition of the Observer Dispatch) and Affidavit of Posting of **Local Law Introductory No. Fifteen of 2002**, which, if adopted, would amend the **Code, Chapter 98** thereof entitled **SEWERS** and specifically Article II [Sewer Connection Regulations], Section 98-17 [Permit Required; Fee].

Supervisor Humphreys questioned if anyone present wished to speak **in support of or in opposition** to Local Law Introductory No. Fifteen.

There having been no one to speak in the matter, the Supervisor declared the Public Hearing closed at 8:21 P.M.

LOCAL LAW NO. ONE OF 2003 - ADOPTION

Thereafter, Councilman Backman moved that Local Law Introductory No. Fifteen of 2002 be adopted as Local Law No. One of 2003, in the following format; seconded by Councilman Waszkiewicz:

Town of New Hartford, New York
LOCAL LAW NO. ONE OF 2003

A Local Law to amend 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.].

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 98 of the Code of the Town of New Hartford, Article II [Sewer Connection Regulations], Section 98-17 [Permit required; fee] is hereby amended as follows:

Section 98-17. Permit required; fee
Replace the first sentence with the following:

Before connecting to the sanitary sewer system, a property owner must obtain a permit given by the Town Board and issued by the Town Engineer upon

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payment of the sewer permit fee established and set forth in Chapter 118 (Zoning) of the Code, Article XV [Miscellaneous Provisions], Section 118-93 [Fees], Subparagraph D. [Miscellaneous], (10) Sewer Permits.

SECTION 2. All other provisions of Chapter 98 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

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

Upon roll call, the Town Board voted as follows:

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

The Town Supervisor declared Local Law Introductory No. Fifteen of 2002 unanimously carried and duly adopted as Local Law No. One of 2003.

REPORTS OF TOWN OFFICIALS

PLANNER:

Computers

Regarding procurement of computers, Councilman Backman stated that inventory forms went out to all department heads regarding computer survey. Members of a committee might include the Town Planner, Telecommunication Supervisor and Personnel Assistant, to represent their respective buildings and to create a user manual and set hardware standards.

Training School

Upon request of the Town Planner, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 27 OF 2003)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Town Planner Schwenzfeier to attend the American Planner Association from March 29 – April 2, 2003, in Denver, Colorado, for the pre-paid amount of Four Hundred Ninety-Five Dollars (\$495), said amount to be reimbursed to the Town Planner.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Dues - American Planning Association

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

(RESOLUTION NO. 28 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct that the membership dues in the amount of One Hundred Ten Dollars (\$110) to the American Planning Association for the Town Planner be borne by the Town of New Hartford.

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

Training - Association of Towns Meeting

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

(RESOLUTION NO. 29 OF 2003)

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RESOLVED that the New Hartford Town Board does hereby authorize Town Planner Kurt Schwenzfeier to attend the February 2003 New York State Association of Towns educational seminar in New York City, New York; and be it

FURTHER RESOLVED THAT the above-referenced Town Official be advanced the sum of Five Hundred Dollars (\$500.) that upon return from said educational seminar, shall be substantiated upon a Town voucher with supporting documents/receipts.

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

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

The Resolution was declared unanimously carried and duly adopted

HIGHWAY SUPERINTENDENT (CONT'D)

Surplus Land

In regards to the Seneca Turnpike Town-owned parcel that has the inoperative sewer pump station, Highway Superintendent Cleveland stated that Mr. Karrat wanted to reaffirm his Fifteen Hundred Dollar (\$1500) offer, which the Town had rejected in the past. After discussion among the Board Members, Highway Superintendent Cleveland is to contact Mr. Karrat and other neighboring property owners for their interest in acquiring the property.

Detention Basin - Pippin Hill Development

After discussion on Mr. Virkler's proposal to deed the Pippin Hill detention basin to the Town, the Town Board, Attorney and Highway Superintendent concurred it would be a liability to the Town and that the Town was not interested in this proposal.

Promotion – Highway Department Employee

The Highway bargaining unit regarding a matter of wages for Gerald Webb, Jr had filed a grievance. It has been found, after conferring with counsel, that the Town at the time Mr. Webb's work classification was changed from Laborer/Mechanic to Mechanic should have increased his wages to equal the lowest full-time paid person in that position, less any adjustments for longevity. Based upon these findings, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 30 OF 2003)

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RESOLVED that the Town Board of the Town of New Hartford does authorize and Direct that the hourly pay rate for Gerald Webb, Jr. be increased to Twenty-One Dollars and Eighty-Eight Cents (\$21.88), the rate of the lowest full-time mechanic in that class minus any adjustments for longevity, effective December 9, 2002; payable bi-weekly.

The Resolution was voted upon roll call, as follows:

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

The Resolution was declared unanimously carried and duly adopted

Supplemental Agreement - Bleachery Avenue Bridge

Based on the Town Highway Superintendent's recommendation, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 31 OF 2003)

Authorizing the implementation and funding in the first instance one hundred per cent (100%) of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefor.

WHEREAS, a Project for the bridge **replacement of Bleachery Avenue/Sauquoit Creek (BIN 2205900) Town of New Hartford, P.I.N. 2753.55** (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of eighty per cent (80%) Federal funds and twenty per cent (20%) non-federal funds; and

WHEREAS, the **Town of New Hartford** desires to advance the Project by making a commitment of one hundred per cent (100%) of the non-federal share of the **total project cost**.

NOW, THEREFORE, the **Town Board of the Town of New Hartford**, duly convened does hereby

RESOLVE, that the **Town Board** hereby approves the above-subject project; and it is hereby further

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RESOLVED, that the **Town Board** hereby authorizes the **Town of New Hartford** to pay in the first instance one hundred per cent (100%) of the federal and non-federal share of the **Total cost** for the Project or portions thereof; and it is further

RESOLVED, that the sum of **One Million One Hundred Fifty-five Thousand Dollars (\$1,155,000)** is hereby appropriated from bond proceeds and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the **Town Board** shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the **Department** thereof, and it is further

RESOLVED, that the **Town Supervisor of the Town of New Hartford** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the **Town of New Hartford** with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

The Resolution was voted upon roll call, as follows:

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

The Resolution was declared unanimously carried and duly adopted

Contractor Work Hours - Bleachery Avenue Bridge

The Highway Superintendent has received a request from Delaney Construction, for an extension of work hours; specifically, that work crews from January 21 through

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December 31, 2003 operate on a twelve (12) hour day, five (5) day work schedule. The Town Board approved the extension of work hours but restricted same to 7 AM through 7 PM weekdays. The Highway Superintendent will insure that the appropriate documents are completed and filed with the New York State Department of Labor, the New York State Department of Transportation and the Contractor.

Employee Commendation

The Highway Superintendent commended his Deputy, Anthony DeCuffa, for the three hundred thirty (330) overtime hours he has worked since snow started falling in October, 2002; based on a 37.5 hour workweek this would equal eight (8) weeks during the two and one-half month (2.5) period. The Highway Superintendent asked if the Town Board is considering pay raises above and beyond the "norm", that at least his Deputy be considered. Supervisor Humphreys is to send a letter to Anthony DeCuffa recognizing his dedication.

Radio Transmission Problems

The Highway Superintendent reported that due to shared time on the radios within the Syracuse area; employees experience a constant static and chatter over the air. Highway Superintendent has contacted JPJ Electronic to determine if a block can be put on and has received a couple suggestions.

Agreement - 2002 Sidewalk Construction

The Highway Superintendent explained that the Sidewalk Construction wasn't completed in 2002; therefore, Highway Superintendent Cleveland asked the Town Board to maintain that account until the project is completed in 2003. The money for this project is to be taken from the 2002 surplus where it had been budgeted and approved.

Release of Letter of Credit – Higby Hills Development

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

(RESOLUTION NO. 32 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Release of the Letter of Credit in the amount of Fourteen Thousand One Hundred Ninety Dollars (\$14,190) furnished by Valmanvar Corporation, 242 Higby Road, Utica, New York 13501 for construction of roads and utilities in the Higby Hills Development, since the infrastructure has been completed to the Town's satisfaction.

The Resolution was voted upon roll call, as follows:

Councilman Waszkiewicz - Aye

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

The Resolution was declared unanimously carried and duly adopted.

Sauquoit Creek Basin Committee

The Highway Superintendent requested that the Town Board consider contributing towards legal research for the Sauquoit Creek Basin Steering Committee as this Steering Committee needs to become a legal entity under New York State Law by the end of 2003. Other communities such as the Village of Whitesboro have previously committed a sum of Three Thousand Dollars (\$3,000) towards this effort and the Steering Committee is asking all basin communities to contribute what they can to do this research. The end result of the research will be a study and recommendation as to what type of legal entity would best serve the basin communities. Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 32 OF 2003)

RESOLVED that the Town of New Hartford hereby agrees to contribute a sum not to exceed Six Thousand Dollars (\$6,000) toward the legal research for the Sauquoit Creek Basin Steering Committee to become a legal entity under New York State Law.

The members of the Town Board voted on this Resolution as follows:

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

The Resolution was declared unanimously carried and duly adopted.

TOWN CLERK

Annual Report

Since the Town does not have a Comptroller, the Town Clerk submitted her Annual Report of fees collected to the Town Board. The Town Clerk explained that due to the new DECALS system there is a Six Dollar and Twenty Cent (\$6.20) discrepancy in the account that needs to be resolved. The Town Clerk has been in contact with Business

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Automation Services (BAS) who is reviewing the matter to determine if a software update is needed or whether the New York State Department of Environmental Conservation needs to resolve their accounting program in DECALS.

(Former) Financial Advisor

The Town Supervisor reported that former Financial Advisor Patrick Tyksinski; has agreed to roll over his work hours not utilized in 2002 to work on the fixed assets program until it is finished.

Inter-Municipal Agreement – Building Codes Enforcement Services

Vincent J. Rossi, Jr., Attorney for the Town, has reviewed and approved the Agreement and upon his recommendation, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 34 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement with the Village of New Hartford whereby the Town of New Hartford's Codes Enforcement Office will provide Building Code services to the Village of New Hartford for calendar year 2003 pursuant to the terms and conditions set forth in said Agreement.

The Resolution was voted upon roll call, as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Police Report Fees

The question has arisen whether the Town can charge Five Dollars (\$5) for Police Accident Reports as provided in a Resolution adopted in 1980 or whether the fee must comply with FOIL, i.e., twenty-five cents (\$.25) per page. Chief Philo polled others municipalities - Kirkland, New York Mills, Whitesboro – and they all charge at least Five Dollars (\$5). The Police department receives thousands of requests from insurance companies, adjusters and law firms for these reports, and the search time, administrative work and accounting cannot be covered with a twenty-five cent (\$.25) fee. All crime victims and people involved in accidents receive a copy of the Police Report for “gratis”.

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Vincent Rossi, Jr., Attorney for the Town suggested that the Town Board take no action at this time other than contacting the State Legislature, to establish a higher fee, as the New York State Police have done.

REPORTS OF STANDING COMMITTEES

MOTOR POOL COMMITTEE:

Vehicle Usage - (Section 500-4; Town of New Hartford Employee Handbook)

Councilman Backman acknowledged requests for the use of town vehicles by the Police Chief, Codes Enforcement Officer, Senior Engineering Technician, Highway Superintendent and Deputy Highway Superintendent. It was suggested that a log be kept in the vehicles for day trips and night meetings, except those vehicles that are used by the Police Chief, the Highway Superintendent and the Deputy Highway Superintendent. It was the consensus of the Board members to approve the use of town vehicles by these employees. Councilman Butler stated that he would contact the Recreation Center Manager send in his request for the use of a town vehicle.

REPORTS OF SPECIAL COMMITTEES

SENIOR ADVISORY COMMITTEE:

Appointments – Advisory Committee on Senior Services

Upon the recommendation of the Director of Senior Services, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 35 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following individuals as Members of the **Senior Advisory Committee** for a one-year term commencing January 1, 2003 and ending December 31, 2003:

Advisory Committee on Senior Citizens

<u>Member</u>	<u>Term Expires</u>
1. Robert Dicker, President/"Young at Hearts"	Dec 31, 2003
2. Rene Kurdziolek, President/Clinton Road Senior Group	Dec 31, 2003
3. Patricia MacEnroe, President/New Hartford Adult Center	Dec 31, 2003
4. Gretchen Busch, The Meadows Senior Club	Dec 31, 2003
5. Philomena Champion, President/Country Club Court	Dec 31, 2003
6. Loretta Mandry, President/New York Mills Senior	Dec 31, 2003
7. Shirley Williams, President/Village Elders Senior Group	Dec 31, 2003
8. Carol Lally, Chairman	Dec 31, 2003

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<u>Member</u>	<u>Term Expires</u>
9. Rev. Dominic Blasé	Dec 31, 2003
10. Eileen Spellman, Director of Senior Services	Dec 31, 2003
11. Ralph Humphreys, Town Supervisor	Dec 31, 2003
12. John C. Waszkiewicz III, Councilman/Co-Chairman of Senior Citizens Standing Committee	Dec 31, 2003
13. David Butler, Councilman/Co-Chairman of Senior Citizens Standing Committee	Dec 31, 2003
14. Jean McBride, President/AARP	Dec 31, 2003
15. Princia Benson, Oneida County Office of Aging-Outreach	Dec 31, 2003
16. Carol Jubenville, Manager/Sunset Wood Apartments	Dec 31, 2003
17. Randy Fields, Sunset Wood Apartments	Dec 31, 2003
18. Father Joseph S. Zareski, St. John the Evangelist Church	Dec 31, 2003
19. Rev. Janet Hoover, New Hartford Presbyterian Church	Dec 31, 2003
20. Sandra Rooney, Manager/Country Club Court Apartments	Dec 31, 2003

The Town Supervisor requested a vote upon roll call, which resulted 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.

24-HOUR DISPATCH COMMITTEE:

Appointments to Dispatch Committee

Upon the recommendation of the Police Chief and Telecommunications Supervisor, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 36 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint the following individuals as Members of the **24-Hour Dispatch Committee** for a one-year term commencing January 1, 2003 and ending December 31, 2003:

24-Hour Dispatch Committee

<u>Member</u>	<u>Term Expires</u>
1. Jeffrey Madden, Central Dispatch	Dec 31, 2003

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<u>Member</u>	<u>Term Expires</u>
2. Raymond Philo, New Hartford Police Chief	Dec 31, 2003
3. Brad Frankland, New York Mills Police Chief	Dec 31, 2003
4. David Reynolds, New Hartford Fire Chief	Dec 31, 2003
5. Robert Glenn, New York Mills Fire Chief	Dec 31, 2003
6. William Hughes, Willowvale Fire Chief	Dec 31, 2003
7. Gary Edwards, Edwards Ambulance	Dec 31, 2003
8. Daniel Verminski, Central Oneida County Ambulance	Dec 31, 2003
9. George Nassar, Central Oneida County Ambulance	Dec 31, 2003
10. Rodger Reynolds, New Hartford Village Mayor	Dec 31, 2003
11. Robert Maciol, New York Mills Village Mayor	Dec 31, 2003
12. John Shaw, Town Police Commission member	Dec 31, 2003
13. David Butler, Third Ward Councilman/Town Board	Dec 31, 2003
14. Richard B. Woodland, Jr. Fourth Ward Councilman/ Town Board	Dec 31, 2003
15. Roger Cleveland, Town Highway Superintendent	Dec 31, 2003
16. Barbara J. Aiello, Town Personnel Assistant	Dec 31, 2003
17. Terrance P. Martin, Citizen at large	Dec 31, 2003
18. Amy Topor, Secretary/Police-Dispatch	Dec 31, 2003
19. Lawrence Gilroy, Chairman	Dec 31, 2003.

The Town Supervisor requested a vote upon roll call, which resulted 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.

MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN

ATTORNEY FOR THE TOWN:

Whitetail Meadows Subdivison – Municipal Consent for Water Works Formation

The Highway Superintendent explained that usually the Upper Mohawk Valley Regional Water Board (UMVRWB) takes care of water supply to developments; however nine (9) parcels in the Whitetail Meadows subdivision are so high that there is not sufficient water pressure for the development. Attorney Rossi asked that the matter be tabled until he talks with the Highway Superintendent and can ensure that the water be supplied properly. Before the Town approves the water works formation, the Town should obtain confirmation from the UMVRWB. Councilman Backman requested that the Planning

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Board minutes be researched; Councilman Backman has been told there was sufficient water pressure. The Highway Superintendent will research the Planning Board minutes.

COUNCILMAN BACKMAN:

Willowvale Fire Company, Inc.

Councilman Backman wished to pursue methods of financing the construction of a new firehouse for the Willowvale Fire Company, Inc. Town Clerk Gail Wolanin Young will contact Bond Counsel regarding Councilman Backman's request.

Surplus Vehicles

Two (2) or three (3) vehicles are not being operated. Regarding the mitigation vehicle, Police Chief Philo would like this vehicle operational until February 2003. Councilman Backman confirmed the trade-in value for this vehicle is about Ten Thousand Seven Hundred Thirty-Five Dollars (\$10,735), but is probably only worth Eighty Five Hundred to Eighty Seven Hundred Dollars (\$8500 - \$8700), because holes are drilled through the dash, etc. for police equipment. Highway Superintendent Cleveland said it is an account line item (mitigation fund) so when the vehicle comes out, the Town hasn't done anything wrong.

TELECOMMUNICATION SUPERVISOR:

Wage Increase - Dispatcher Talento

Telecommunication Supervisor Jeffrey Madden initiated discussion on the lack of wage increase for Dispatcher Talento over the past two (2) years. No action was taken at this time.

Appointment – Full-Time Dispatcher

Telecommunication Supervisor Jeffrey Madden also brought up hiring a part-time dispatcher at higher rate because of experience. Vincent J. Rossi, Jr., Attorney for the Town, stated that the union contract provides that seniority pay steps were only intended to apply to full timers and not part-timers. The Contract contains one grid for full time employees and another section for part-timers pay and zero status in that position until they become full time. Attorney Rossi told the Board that the practice in the past was to give part-timers a little bit of seniority – if employed four (4) years as a part-timer, the employee was given two (2) years toward their full-time position. Attorney Rossi believes that the Town isn't obligated to pay the higher rate; may have the discretion, but is not obligated. A lengthy discussion was held. Thereafter, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 37 OF 2003)

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RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Craig Burnop as a full-time Dispatcher effective January 26, 2003, at the two-year anniversary mark due to his part-time experience in the Dispatch Center, at an annual salary of Twenty-Three Thousand Four Hundred Ninety-Three Dollars (\$23,493) payable bi-weekly.

The Town Supervisor requested a vote upon roll call, which resulted as follows:

Councilman Waszkiewicz	-	Aye, based on the recommendation of the department head and committee and precedent setting, but believes the Town Board must establish this as a process or not going forward.
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Nay
Supervisor Humphreys	-	Nay.

The Resolution was declared carried and duly adopted.

Councilman Waszkiewicz made a motion that, for going forward, the Town Board establish how the Board would consider, if any, part-time years of experience as a dispatcher – what percentage; he changed the motion – now that the Town Board *won't* give credit for part-time experience. There was no second to the motion..

COUNCILMAN WASZKIEWICZ:

Police and Court Facilities

As to whether the existing Police and Court facilities would sustain a second floor, it was the consensus of the Town Board that the Police Chief will obtain a cost estimate.

February 5 and March 5, 2003 Town Board Meetings

Councilman Waszkiewicz acknowledged confirmation that the Community Meeting Room in Butler Memorial Hall has been reserved for the February 5 and March 5, 2003 Town Board meetings.

Website

Councilman Waszkiewicz confirmed that Janice O'Sullivan of the Accounting Department is updating the Town's Website to include approved Town Board minutes.

Fencing & Recreation Improvements - Southern Reservoir

Councilman Waszkiewicz reported that, an assessment having been completed, the Upper Mohawk Valley Regional Water Board's policy statement on both the fencing as well as the available space for use for passive recreation at the Southern Reservoir site should be available by March 15, 2003. It is Councilman Waszkiewicz' understanding that the

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original recommendation required fencing around the entire facility; and if spot fencing of the most important areas is acceptable, a considerable amount of money would be saved. Councilman Waszkiewicz will be notifying Cascade Drive residents and area groups involved with passive recreation improvement.

Four-Lane Highway Improvement – Binghamton to Mohawk Valley

Councilman Waszkiewicz has received sample legislation from several municipalities. The Councilman will keep Board up-to-date on this matter.

EDGE Zone Board

Councilman Waszkiewicz will give to the Town Supervisor a list of companies approved for zone amendment as well as a list of up-coming meetings.

Railroad and Property Tax Exemptions

The Oneida County Industrial Development Agency and EDGE invited Councilman Waszkiewicz to a meeting on January 29, 2003. Councilman Waszkiewicz extended an invitation for the Town Supervisor to attend this meeting, which will be held in the EDGE conference room in Rome, NY beginning at 9:00 A.M. to review railroad phenomena, easements, IDA, PILOT and/or tax exemptions.

Motion to Adjourn

Councilman Waszkiewicz made a motion to adjourn at 11:01 P.M. There was no second to the motion.

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 Waszkiewicz:

(RESOLUTION NO. 38 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. 41A/2002	\$ 1,500.00
General Fund, Whole-Town Abstract No. 44/2002	\$ 5,000.00
General Fund, Whole-Town Abstract No. 45/2002	\$ 264.37
General Fund, Part-Town Abstract No. 31/2002	\$ 1,069.65
Highway Fund, Part-Town Abstract No. 34/2002	\$ 532.44
Sewer Fund Abstract No. 35/2002	\$ 528.74
General Fund, Whole-Town Abstract No. 2/2003	\$100,143.90

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General Fund, Part-Town Abstract No. 2/2003	\$123,580.66
Highway Fund Part-Town Abstract No. 2/2003	\$ 39,460.37
Sewer Fund Abstract No. 2/2003	\$ 7,307.37
Street Light District Abstract No. 1/2003	\$ 7,826.00
Street Light District Abstract No. 2/2003	\$ 27.68
Water Fund Abstract No. 1/2003	\$ 6,140.44
Stormwater Drainage Abstract No. 2/2003	\$ 229.07
Butler Memorial Hall Renovations Abstract No. 1/2003	\$ 762.71
TOTAL:	\$294,373.40

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.

CEMETERIES

Town Supervisor Humphreys stated that there would be an informational meeting with the Beechwood Road property owners at the Kellogg Road Community Center Building on Monday, January 20, 2003 at 7:00 PM, Utica College Professor Thomas Christ will address the public on old or abandoned cemeteries.

EMPLOYEE WELLNESS PROGRAM

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

(RESOLUTION NO. 39 OF 2003)

WHEREAS, due to low participation, the New Hartford Town Board has discontinued the Employee Wellness Program at the All-American Fitness Center and has not provided a budgetary appropriation for this benefit in 2003;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby authorize and direct the payment of Fifty Dollars (\$50) to an employee's fitness facility, toward the employees' yearly membership, after the employee has presented the Town with a copy of the fitness facility's membership contract; and be it

FURTHER RESOLVED that should the employee have pre-paid the yearly membership fee to their fitness facility, the employee must provide a proper receipt to the

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Town showing payment of a year's membership at which time the Town will reimburse the employee Fifty Dollar (\$50) toward their membership.

The Town Supervisor requested a vote upon roll call, which resulted 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.

DETRAGLIA FOIL

It was the consensus of the Board Members to do nothing.

CONTRACT – TELEPHONE SERVICE

Upon the request of Town Supervisor Humphreys, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 40 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to negotiate for telephone services for the Town of New Hartford and to report said negotiation to the Town Board.

The Town Supervisor requested a vote upon roll call, which resulted 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.

SCHOOL CROSSING GUARDS

The Town Supervisor reported that General Municipal Law prohibits Towns from paying for school crossing guards in a village. Supervisor Humphreys will address this matter at the New York State Association of Towns Meeting in February, as well as the possibility of creation of a police district. Councilman Butler looking at Town Law Manual, stated that the village enjoys recreation, dog, police services, etc. as needed and desired.

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2003 FIRE PROTECTION CONTRACTS

Attorney Rossi had sent a letter to the Village Attorney Gustave DeTraglia regarding the annual fire contracts and the Village Attorney hadn't responded yet. Attorney Rossi will follow up with Attorney DeTraglia.

MOTION TO ADJOURN

Councilman Waszkiewicz made a motion to adjourn at 11:26 P.M; there was no second.

HEALTH INSURANCE - PART-TIME POLICE/DISPATCHER

The Town Supervisor reported that as part of the Teamsters health contract, the part-time police/dispatch employees have to be insured. While the Town doesn't offer health insurance for part-timers, it's compulsory under the Teamsters program The Town is to investigate this further before taking action.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Butler, the meeting was adjourned at 11:36 P.M.

Respectfully submitted,

**Margaret M. Jones
Deputy Town Clerk I**

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