

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL IN THE VILLAGE OF NEW
HARTFORD ON WEDNESDAY, APRIL 2, 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 Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

ABSENT: Councilman David W. Butler

OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Sarah A. Long

OTHERS: Attorney for the Town, Vincent Rossi, Jr

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

MINUTES

March 19, 2003 Regular Meeting

After reviewing minutes that had been mailed to all Board members, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 129 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **March 19, 2003** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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The Resolution was declared unanimously carried and duly adopted.

PUBLIC PRESENTATIONS

JUDD ROAD LIGHTING:

James Piccola of the New York State Department of Transportation (DOT) addressed the Town Board Resolution adopted March 5, 2003 regarding the Judd Road Lighting project. Because Niagara Mohawk will be installing the light luminaries, they are also responsible for the maintenance of the lights. The Department of Transportation would like the March 5, 2003 Resolution amended to reflect that Niagara Mohawk will be responsible for this portion and not the DOT. Having reviewed the Lighting Agreement, Supervisor Humphreys inquired whether the Town would be held responsible for pole attachments fees; he had not seen anything in the agreement that notated a price. Mr. Piccola confirmed that the Town would be responsible for fee attachments but does not foresee the Town attaching anything other than lights to these poles. He will, however, check into this and provide a report for the April 16, 2003 Town Board meeting. Town Board members also had questions they wanted the Attorney to address and requested that the Highway Superintendent check into prices with Power Line Constructors to see if they are comparable with Niagara Mohawk.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Trash Haulers

The Highway Superintendent has submitted proposal letters to several different haulers to develop a possible coordinated collection service. This update is for Board review and to contact Superintendent Cleveland should they have any questions.

Road Sweeping – State Highways

Regarding the sweeping of State highways, the Highway Superintendent was informed by the New York State Department of Transportation (DOT) there is no guarantee the Town would be reimbursed for this service. Superintendent Cleveland said he would decline the offer from the DOT to sweep their roads. In the past, the Town has performed this service at a large cost; the Highway Superintendent will compile the real cost of this program, including wages, benefits and loss of sweeper when cleaning the roads.

Surplus Vehicles

The Highway submitted a report of the Town's unused vehicles, which could possibly be sent to auction or scrap. The Board reviewed the list and noted that there was really none worthy of County's auction and to perhaps scrap them all. Some, however, could be used for parts.

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Smoke Testing – Sanitary Sewers

Upon the Highway Superintendent's request, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 130 OF 2003)

WHEREAS, some smoke detection was made due to excess infiltration/inflow into the sanitary sewer system in the Applewood Community and there is a need to determine the origin of the infiltration/inflow;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize an extension to the existing Agreement with Clough, Harbour and Associates' for a sum not to exceed Twenty-four Hundred Dollars (\$2400); under this extension, Clough, Harbour will perform smoke testing of the sanitary sewer lines in the above development.

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.

Hourly Wage Increase - Part-Time Highway Employees

The Highway Superintendent requested that the Town Board consider a raise for the part-time Highway employees, especially those who work in the winter months and are called out in the middle of the night. Councilman Backman thought this matter was already discussed. Although there may have been consensus to look at increasing part-time employee wages, the Resolution adopted March 19, 2003 only addressed the hourly wages for the part-time, seasonal clerical employees in the Highway Department.

Dig Safely New York

The Highway Superintendent apprised the Board that he was not able to locate an ASCII machine.

MV Accident - Middlesettlement Road (NYS Route 5B)

Councilman Woodland questioned the cause of a particular motor vehicle accident on Middlesettlement Road (aka NYS Route 5B), citing constituents' concerns that speed was a factor. Chief Philo responded that the accident occurred due to driver inattention –

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failure to yield the right of way rather than speed. He noted that a few years ago the New York State Department of Transportation reduced the speed limit by 5 mph on Middlesettlement Road and this agency indicated they would not be able to reduce it further.

TOWN CLERK:

Local Law Introductory No. "A"(As amended) of 2003

Upon presentation by the Town Clerk, Councilman Waszkiewicz introduced the following legislation for the Town Board's consideration at a future Public Hearing; co-sponsored by Councilman Backman:

**Town of New Hartford, New York
Local Law Introductory No. "A", As Amended, of 2003**

A Local Law to amend the Code of the Town of New Hartford by creating a new **Chapter 64** entitled **FIRE HYDRANTS**, and restrictions with respect to placing materials on or in the immediate vicinity of fire hydrants.

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

SECTION 1. The Code of the Town of New Hartford is hereby amended by creating the following new Chapter 64:

**Chapter 64
Fire Hydrants**

Section 1. PURPOSE:

The purpose of the local law is to protect the public health, safety, and welfare of public and private property by establishing restrictions with respect to placing materials on or in the immediate vicinity of fire hydrants located within the Town of New Hartford so as to prevent their location from being discovered; boxing their immediate access in the event a fire hydrant needs to be used and to help insure the proper maintenance of fire hydrants so they will be operable in the event of an emergency.

Section 2. STATUTORY AUTHORITY:

The adoption of this local law is made pursuant to Section 10 of the Municipal Home Rule Law.

Section 3. DEFINITIONS; WORD USAGE:

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- A. For the specific purpose of the local law, the following term shall have the meaning assigned:

Immediate vicinity – a four (4) foot radius surrounding from the base of the Fire hydrant.

Section 4. FIRE HYDRANT PROTECTION:

No person shall shovel, plow, push, place, drop, rake, throw or discard any snow, ice, mud, branches, tree limbs, grass, weeds, leaves, rubbish, papers, cardboard, garbage, boards or any similar materials on, against, or in the immediate vicinity of a fire hydrant located in the Town of New Hartford.

Section 5. EXEMPTIONS:

Operators of municipal plows are exempt from the requirements of this article.

Section 6. VIOLATIONS AND PENALTIES:

Each violation of any provision of the local law and each day that the violation continues or exists shall constitute a separate and distinct offense and shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250) per offense with a minimum fine of Fifty Dollars (\$50) per offense.

SECTION 2. All other provisions 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 in accordance with Section 27 of the Municipal Home Rule Law.

Local Law Introductory No. "B" of 2003

Upon presentation by the Town Clerk, Councilman Woodland introduced the following legislation for the Town Board's consideration at a future Public Hearing; co-sponsored by Councilman Backman:

**Town of New Hartford, New York
Local Law Introductory No. "B" of 2003**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof

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entitled **ZONING**, by amending Section 118-6 (Definitions), Section 118-31 (Specific special use permit standards), and the Schedule of Use, Area and Bulk Regulations for a PHB – Planned Highway Business District and specifically, the list of Special Permit Uses (Page 11939).

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 is hereby amended as follows:

Section 118-6. Definitions:

Add:

SELF-STORAGE UNITS - a building containing individual self-storage units divided from floor to the ceiling by a wall with an independent entrance from exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

MINI-STORAGE UNITS – See Self-Storage Units

Section 118-31. Specific special use permit standards:

Add:

F. Self-storage units facility.

All self-storage units facilities shall conform to the following additional standards:

1. The use shall be limited to individual storage compartments/units, not to exceed 200 square feet.
2. All self-storage units shall be screened by a 50 foot wide landscaped strip and earthen berm consisting of a dense deciduous and evergreen barrier of a height sufficient to obscure the self-storage units from adjoining uses, properties, and roads.
3. The exterior walls of the proposed structure shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code.
4. All storage units shall be of neutral tones, which harmonize with the surrounding area.
5. No self-storage units shall exceed one story in height.

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- 6. No outside storage is allowed.
- 7. No electrical outlets shall be allowed in individual units.
- 8. No self-storage facility shall exceed five (5) acres in size. The facility size shall be calculated by the units, roadways/paved surfaces, fencing, as well as the landscape buffer, and all other associated items.
- 9. No self-storage facility shall be located within 5,000 feet of another self-storage facility.

Section 118-93. Schedule of Use, Area and Bulk Regulations
 PHB – Planned Highway Business District

Add:

Special Permit Uses:	Self-storage units
Minimum Lot Size (Area):	5 acres
Minimum Lot Size (Minimum Width):	200 feet
Maximum Lot Coverage:	20% *3
Minimum Percent of Lot to be Permeable:	33%
Maximum Building Height:	15 feet
Minimum Yard Dimensions – (Front)	250 feet
- (Each Side) *2	50 feet
- (Rear) *2	50 feet

NOTES: *3 Maximum lot coverage for the total lot is 40%/50%. Only 20% of the total lot shall be used as self-storage units. The remaining 20%/30% of lot coverage may be used for other permitted site plan review uses, and/or special permitted uses as deemed appropriate by the Planning Board.

SECTION 2. All other provisions 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 in accordance with Section 27 of the Municipal Home Rule Law.

Local Law Introductory No. “C” of 2003

Upon presentation by the Town Clerk, Councilman Waszkiewicz introduced the following legislation for the Town Board’s consideration at a future Public Hearing; co-sponsored by Councilman Woodland:

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**Town of New Hartford, New York
Local Law Introductory No. "C" of 2003**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 44** thereof, entitled **ASSEMBLIES, MASS PUBLIC**, by amending Section 44-5 (Permit fee).

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

SECTION 1. Chapter 44 of the Code of the Town of New Hartford is hereby amended as follows:

Section 44-5. Permit fee.

Change the fee:

insert "per day of the event" after \$100 .

SECTION 2. All other provisions 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 in accordance with Section 27 of the Municipal Home Rule Law.

Public Hearing Scheduled on Local Law Introductories

Thereafter, Councilman Backman offered the adoption of the following Resolution; seconded by Councilman Woodland:

(RESOLUTION NO. 131 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford shall conduct Public Hearings on Wednesday, April 16, 2003 at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, New Hartford to consider **Local Laws Introductory No. "A" (As Amended), "B" and "C" of 2003** which, if adopted, would amend the Code of said Town as it pertains to Fire Hydrants, a Zoning Text Amendment and Mass Public Assemblies, respectively; and be it

FURTHER RESOLVED that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

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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.

Appointment – Part-time Clerk

Upon recommendation of Town Clerk Gail Wolanin Young who had discussed the matter with the Town Clerk Committee on March 31, 2003, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 132 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Nancy E. Kneller as a Part-Time Clerk in the Secretarial Pool, effective April 3, 2003, at an hourly rate of Seven Dollars and Seventy-Five (\$7.75), payable by-weekly.

Mrs. Kneller’s employment application has been filed with the Personnel Assistant and has been pre-approved by the Oneida County Department of Personnel. Thereafter, 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.

REPORTS OF SPECIAL COMMITTEES

24-HOUR EMERGENCY DISPATCH COMMITTEE:

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

(RESOLUTION NO. 133 OF 2003)

WHEREAS, New Hartford Village Mayor Rodger Reynolds has retired from Village employment, leaving a vacancy in the New Hartford Village Mayor position on the Town’s 24-Hour Emergency Dispatch Committee;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint, effective immediately, newly-elected New Hartford Village Mayor Donald Ryan to fill said vacancy on the **24-Hour Emergency Dispatch Committee** to fill the unexpired one-year term that ends December 31, 2003.

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

PUBLIC HEARING

8:00 P.M.

**TEFRA Hearing – Willowvale Fire Co., Inc.
Tax-Exempt Obligations**

The Town Supervisor opened the Public Hearing at 8:00 P.M. and announced the purpose of the Hearing was to consider the Willowvale Fire Company’s application for TEFRA eligibility for issuance of tax-exempt obligations to fund a new firehouse and to offer the Public an opportunity to speak in favor of, in opposition to, or comment upon this matter. The Town Clerk presented the Notice of Public Hearing, Affidavit of Posting, and Proof of Publication (Observer Dispatch, March 17,2003 edition).

G. Kevin Ludlow, Attorney for the Willowvale Fire Company, Inc., expressed the Fire Company’s appreciation for the support that the Town Board has given them over the years. He also thanked the Board on behalf of all the Fire Department members, present and not present, that they are also very grateful for Town’s support on their new venture – a new firehouse.

The following persons were present in support of the TEFRA hearing and issuance of tax-exempt obligations by the Willowvale Fire Company, Inc.:

<i>Lawrence Bastien</i>	<i>Charles Bastien</i>	<i>Richard Catlin</i>
<i>Chad Powers</i>	<i>William Smith</i>	<i>Margaret Jones</i>
<i>Roger Jones</i>	<i>Malcolm Lusby</i>	<i>Edward L. Thomas</i>
<i>Milo Perroch</i>	<i>Joseph David</i>	<i>Donald Maikranz</i>
<i>Justin Sorrentino</i>	<i>Joseph David, Jr.</i>	<i>William Snyder</i>
<i>Gerald Linck</i>	<i>Matthew Jones</i>	<i>William Hinman</i>
<i>Kristina Hinman</i>	<i>Gary Edwards</i>	

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Councilman Backman commended the Willowvale Fire Company as a very hardworking group who has held numerous fundraisers for various Fire Company projects and expressed his belief in their cause. He noted that firemen are a community's best resource and their unpaid volunteerism speaks for itself.

Supervisor Humphreys apprised those present that the issuance of tax-exempt obligations to fund a new firehouse will be subject to a permissive referendum. Because of the projected tax increase for properties within Fire District No. 4, there may be property owners who oppose this project and they will have the prerogative to submit a petition. Thereafter, the Supervisor closed the hearing at 8:10 P.M.

The following Resolution was introduced by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 134 OF 2003)

WHEREAS, the Willowvale Fire Company, Inc. is a not-for-profit corporation, with a Certificate of Incorporation having been filed August 9, 1950; and

WHEREAS, the Willowvale Fire Company, Inc. is interested in seeking access to federally tax-exempt financing for a capital improvement project, namely, a new firehouse; and

WHEREAS, the New Hartford Town Board conducted a TEFRA Public Hearing on April 2, 2003 at 8:00 P.M. in Butler Memorial Hall on the question of whether a tax-exempt bond should be issued by the Willowvale Fire Company, Inc. to finance the cost of the construction of a new firehouse including original machinery, apparatus and equipment necessary in connection therewith, said firehouse to be located at 3459 Oneida Street, in Chadwicks, Town of New Hartford, New York, and which maximum aggregate face amount of the obligation to be issued with respect thereto will not exceed \$1,000,000; and

WHEREAS, approximately twenty-five (25) members of the Willowvale Fire Company, Inc. attended said Public Hearing in favor of a tax-exempt bond being issued for the aforesaid purpose and no one having appeared in opposition to this proposal;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute an **APPROVAL CERTIFICATE**, a copy of which is set forth as Schedule "A", relating to the issuance of a bond and which obligation will not constitute debt of said Town.

A roll call vote was duly held as follows:

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

The Resolution was thereupon declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN

ATTORNEY ROSSI:

Insurance - Deductible Recovery

Discussion was held on attempts by the Coregis Group, *who settled several claims against the Town in past years without the Town's consent*, to be reimbursed by the Town for deductibles on these claims. Attorney Rossi will contact the Town's insurance agent; otherwise, no action was taken.

School Crossing Guard

Attorney Rossi apprised the Board that he has sent a letter to the Attorney General for his opinion on whether the Town can legally expend funds to pay school crossing guards within a Village and he asked that this matter be deferred until the April 16, 2003 Town Board meeting.

Assessment Grievance (Certiorari Proceeding) - Ground Round vs the Town

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

(RESOLUTION NO. 135 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Attorney Vince Rossi, Jr. to hire a consultant to assist in resolving the Ground Round certiorari proceeding against the Town, at a not-to-exceed cost of One Thousand Dollars (\$1,000).

Upon roll call, the Board members voted as follows:

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

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The Resolution was declared unanimously carried and duly adopted.

POLICE CHIEF:

Inventory / Unclaimed Bicycles – Air Compressor

Police Chief Raymond Philo reported that an inventory has been completed of all unclaimed bicycles in his Department's possession; the maximum length of time to retain bicycles is three (3) years after which the items can be disposed. The Board discussed distributing the bicycles through programs for disadvantaged children.

Chief Philo also stated that the Town had an air-compressor and Councilman Backman suggested sending it to County auction.

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

(RESOLUTION NO. 136 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Police Chief Raymond Philo to use his discretion in regards to distributing unclaimed bicycles that are currently being held in the Town's possession.

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.

Jerome K. Madden Justice Court Facility

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

(RESOLUTION NO. 137 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Supervisor to enter into and to execute an agreement with Clark Patterson Associates to perform a structural codes study at the Jerome K. Madden Justice Court Facility to determine if this building can support a second floor and whether it will meet State codes, the cost of which shall not exceed Fifteen Hundred Dollars (\$1500).

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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.

COUNCILMEN WASZKIEWICZ:

Subdivision Regulations – Recreation Area (Green Space) – Fees In Lieu of Mitigation

Councilman Waszkiewicz has talked to the Town Planner who concurred that varying percentages exist in various Town regulations. He will review this further and will have a report for the April 16, 2003 Town Board meeting.

Town Website – Editing/Updating

Councilman Waszkiewicz believes that the Town website needs updating, in particular, the Economy Development, Quality of Life and the Town Information pages. Councilman Waszkiewicz has talked to the copywriter regarding words that are outdated on the website; the copywriter could not commit to performing this task for the Town. Councilman Backman suggested the Board think about going with Digital Towpath and eliminate the current website. Attorney Rossi volunteered to work with Councilman Backman in regards to the wording. There are some pages that Janice O’Sullivan, Account Clerk, could update on her own.

Co-Op Service Agreements – Cingular Cell Phone Operation

In order to save significant dollars, Councilman Waszkiewicz says that Cingular has to expand the number of phones incorporated in a presentation. He has addressed this with Oneida County and Cingular is planning to go with a national pricing board to come up with a presentation for our area. This process will take about 6 to 8 months.

Clinton Street Cul-de-sac, New York Mills

The Department of Transportation provided maps of the Clinton Street Cul-de-sac project to Councilman Waszkiewicz and Highway Superintendent Roger Cleveland. Councilman Waszkiewicz will meet with the New York Mills Mayor to review this and he hopes to have more information for the April 16, 2003 Town Board meeting.

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Tentative Inter-Municipal Agreement (Water Tower) – Towns of Frankfort & New Hartford / Upper Mohawk Valley Regional Water Board

Councilman Waszkiewicz has attended a meeting relative to a tentative Inter-Municipal Agreement involving the Towns of Frankfort and New Hartford for construction of a water tower by the Upper Mohawk Valley Regional Water Board; further details will be forthcoming.

Grant Writer Proposal for Future

Town Clerk Gail Wolanin Young will provide copies of a letter from Connie Miner regarding grant proposal services. Councilman Waszkiewicz expects to present a resolution at the April 16, 2003 Board meeting to possibly contract with Ms. Miner on a limited basis.

Notification for proposed Zone Variance Changes – Posting of Sign at Location

Councilman Waszkiewicz reported that in the City of Utica metal signs are temporarily erected to notify residents of a possible zone change or variance in a particular area and he suggested that the Town consider adopting a policy whereby a sign would be erected for thirty (30) days to provide its residents with prior notice of a possible zoning change/variance and a phone number on where to get more information. He thought that this may reduce mailing costs to residents. Councilman Backman thinks it's a good idea but on a non-mandated basis.

COUNCILMAN WOODLAND:

Outstanding Assessment Grievances (Certioraris)

Councilman Woodland inquired about the number of outstanding certioraris; Attorney Rossi responded there was a total of four (4). two (2) commercial and two (2) residential.

Codes/Zoning Violation

Councilman Woodland thanked Attorney Rossi for his assistance in settling the codes violation matter at the *Albert Roberts property, 43 – 45 Clinton Road*; the property is now cleaned up. (NOTE: Refer to minutes of March 19, 2003 Town Board meeting.)

COUNCILMAN BACKMAN:

Sauquoit Creek

Councilman Backman received a call from a constituent regarding backyard erosion from Sauquoit Creek. The property owner had contacted the New York State Department of Environmental Conservation who issued her permits to perform restoration work. Discussion ensued whether the Town might consider a shared contribution basis to hire a private contractor to perform the necessary work; Councilman Backman would like to obtain more estimates before making any decisions. Attorney Rossi questioned what

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responsibility the Town would have in this situation; he also will look into the possibility of creating an erosion district.

MATTERS SUBMITTED BY 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. 138 OF 2003)

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. 11	\$ 500.00
General Fund, Whole-Town Abstract No.	\$ 47,051.11
General Fund, Part-Town Abstract No. 11	\$ 17,310.64
Highway Fund, Part-Town Abstract No. 8	\$ 32,411.72
Sewer Fund Abstract No. 6	\$ 3,322.88
Street Light District Abstract No.6	\$ 7,315.96
Fire Districts Abstract No. 2	<u>\$120,000.00</u>
TOTAL:	\$227,912.31

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

Kavod Road

Superintendent of Highways Roger Cleveland had sent a letter to the Executive Director of the Charles Sitrin Health Care Center but has not received a response on abandoning Kavod Road as a Town road. Superintendent Cleveland will follow up on this.

Runaway and Homeless Youth Program

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

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(RESOLUTION NO. 139 OF 2003)

WHEREAS, the Town is desirous of obtaining services for runaways and homeless youth within the Town; and

WHEREAS, the *Mohawk Valley Community Action Agency* (hereafter, **Organization**) provides services through its Runaway and Homeless Youth Programs as more particularly described hereinbelow;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual covenants and promises made by each to the other, the Town and said Organization agree as follows:

- (1) The Organization will provide services for runaway and homeless youth within the Town as part of its Runaway and Homeless Youth Program for the period beginning January 1, 2003 and ending December 31, 2003.
- (2) The Organization agrees to indemnify and hold harmless, the Town, for any damages to person or property caused in whole or in part by any intentional or negligent acts of commission or omission by the Organization, its agents, servants, employees, licensee, invitee or contractors arising out of the activities encompassed by this agreement which damages shall include but not be limited to defense costs.
- (3) For the services rendered by the Organization as set forth in this agreement and the attachments hereto, the Town shall pay the Organization the sum of Two Thousand Five Hundred Dollars (\$2,500.00).
- (4) This instrument contains the entire agreement between the parties.

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

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Roberts Avenue Water Improvement (former Herthum property)

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

(RESOLUTION NO. 140 OF 2003)

WHEREAS, in 1991 the Town of New Hartford entered into an agreement with James Herthum, 20 Roberts Avenue whereby a check in the amount of Fifty-nine Hundred Dollars (\$5900) was issued to Mr. Herthum as reimbursement for construction costs incurred for a waterline to his property in 1986; and

WHEREAS, said amount was to be paid to the Town each year by the amount of the unit charge that was levied for the Roberts Avenue Water District residents for debt reduction for the construction of a waterline; and

WHEREAS, after checking Town records and verifying with the Oneida County Finance Department, the balance due to satisfy this special levy is Five Hundred Thirty-three Dollars and Ten Cents (\$533.10); and

WHEREAS, the present owners, John and Lynn Haefeles, would like to pay in 2003 the balance due for fiscal year 2004, i.e, Five Hundred Thirty-three Dollars and Ten Cents;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Bookkeeper to accept the balance of \$533.10 in 2003 in order to satisfy this special levy and does further authorize and direct the Bookkeeper to send a bill in said amount to the Haefeles.

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

Fire Protection Agreement, Districts 1 and 2 – Proposed Amendment

Randal Caldwell, Attorney for the Clark Mills Fire Department, had apprised the Town that the Clark Mills Fire Department has been providing fire protection in the Town of New Hartford to the New Hartford-portion of the Millgate Meadows mobile home community and has been doing so without an agreement and without receiving

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compensation therefor. After some discussion, the following Resolution was introduced for adoption by Supervisor Humphreys and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 141 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing at the Ralph Perry Junior High School Auditorium, Weston Road, New Hartford, New York on Wednesday, May 7, 2003 at 8:00 P.M., or as soon thereafter as reached in the regular course of business, to consider amending the 2003 Fire Protection Agreement with the Village of New Hartford and its Fire Department as follows:

- Amend Fire Districts 1 and 2 Agreement to authorize the Clark Mills Volunteer Department (Town of Kirkland) to provide fire protection service to twelve parcels of land in the Town of New Hartford for an annual payment to said Fire Department of Two Thousand Dollars (\$2,000) for fiscal year 2003.

and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite notice in the Observer Dispatch.

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

Local Law Introductory No. "B" (As Amended) of 2003

The Highway Superintendent expressed concern that the Butler Memorial Hall Community meeting room might not be able to accommodate the number of persons expected to attend the Public Hearing on April 16, 2003 on this matter. After some discussion, the Town Board wished to include gasoline stations as a special permit use in PHB districts even though the Town Planning Board had not recommended same. The Town Clerk advised that Local Law Introductory No. "B" would have to be amended and re-introduced since adding gasoline stations would be a significant change to the proposed legislation and the legal notice of public hearing would necessarily have to include gasoline station. Thereafter, Councilman Woodland introduced the following

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legislation for the Town Board's consideration at a future meeting, co-sponsored by Councilman Backman:

**Town of New Hartford, New York
Local Law Introductory No. "B" (As Amended) of 2003**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, by amending Section 118-6 (Definitions), Section 118-31 (Specific special use permit standards), and the Schedule of Use, Area and Bulk Regulations for a PHB – Planned Highway Business District and specifically, the list of Special Permit Uses (Page 11939).

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 is hereby amended as follows:

Section 118-6. Definitions:

Add:

SELF-STORAGE UNITS - a building containing individual self-storage units divided from floor to the ceiling by a wall with an independent entrance from exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

MINI-STORAGE UNITS – See Self-Storage Units

Section 118-31. Specific special use permit standards:

Add:

G. Self-storage units facility.

All self-storage units facilities shall conform to the following additional standards:

10. The use shall be limited to individual storage compartments/units, not to exceed 200 square feet.
11. All self-storage units shall be screened by a 50 foot wide landscaped strip and earthen berm consisting of a dense deciduous and evergreen

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12. barrier of a height sufficient to obscure the self-storage units from adjoining uses, properties, and roads.
13. The exterior walls of the proposed structure shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code.
14. All storage units shall be of neutral tones, which harmonize with the surrounding area.
15. No self-storage units shall exceed one story in height.
16. No outside storage is allowed.
17. No electrical outlets shall be allowed in individual units.
18. No self-storage facility shall exceed five (5) acres in size. The facility size shall be calculated by the units, roadways/paved surfaces, fencing, as well as the landscape buffer, and all other associated items.
19. No self-storage facility shall be located within 5,000 feet of another self-storage facility.

Section 118-93. Schedule of Use, Area and Bulk Regulations
PHB – Planned Highway Business District

Add:

Special Permit Uses:	Gasoline station
Minimum Lot Size (Area):	1 acre
Minimum Lot Size (Minimum Width):	200 feet
Maximum Lot Coverage:	20% *3
Minimum Percent of Lot to be Permeable:	33%
Maximum Building Height:	15 feet
Minimum Yard Dimensions – (Front)	250 feet
- (Each Side) *2	50 feet
- (Rear) *2	50 feet

Special Permit Uses:	Self-storage units
Minimum Lot Size (Area):	5 acres
Minimum Lot Size (Minimum Width):	200 feet
Maximum Lot Coverage:	20% *3
Minimum Percent of Lot to be Permeable:	33%
Maximum Building Height:	15 feet
Minimum Yard Dimensions – (Front)	250 feet
- (Each Side) *2	50 feet
- (Rear) *2	50 feet

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NOTES: *3 Maximum lot coverage for the total lot is 40%/50%. Only 20% of the total lot shall be used as self-storage units. The remaining 20%/30% of lot coverage may be used for other permitted site plan review uses, and/or special permitted uses as deemed appropriate by the Planning Board.

SECTION 2. All other provisions 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 in accordance with Section 27 of the Municipal Home Rule Law.

Amend Resolution No. 131 of 2003; Schedule of Public Hearings

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

(RESOLUTION NO. 142 OF 2003)

RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 131, adopted April 2, 2003, by re-scheduling the Public Hearing on Local Law Introductory No. "B", which has been amended, to Wednesday, May 7, 2003 at 8:00 P.M., or as soon thereafter as reached in the regular course of business in the Ralph Perry Junior High School Auditorium Weston Road, New Hartford and pending the 239-review and written recommendations of the Town Planning Board and Oneida County Planning Department; the Hearings on Local Laws Introductory No. "A" (As Amended) and "C" will remain as scheduled on April 16, 2003.

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 Resolution was declared unanimously carried and duly adopted.

239- Review – Local Law Introductory No. "B" (As Amended) of 2003

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

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(RESOLUTION NO. 143 OF 2003)

WHEREAS, the Town Board wishes to include “gasoline station” as a Special Use Permit in all Planned Highway Business (PHB) Districts in the Town’s Zoning Law and has amended Local Law Introductory No. “B” accordingly;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby refer Local Law Introductory No. “B”, As Amended, of 2003 to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town’s Zoning Law.

The Resolution was voted upon 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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Woodland, the meeting was adjourned at 10:07 P.M.

Respectfully Submitted,

**Sarah A. Long
Deputy Town Clerk II**

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