

**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 16, 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:** Highway Superintendent Roger A. Cleveland  
Deputy Town Clerk I Margaret M. Jones and Deputy  
Town Clerk II Sarah A. Long  
Planner Kurt Schwenzfeier (Arrived at 7:30 P.M.)  
Telecommunicator Supervisor Jeffrey Madden

**OTHERS:** Attorney Vincent Rossi, Jr. (Arrived at 8:20 P.M.)

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who was on vacation, the Deputies Town Clerk were present to record the proceedings.

**MINUTES**

**April 2, 2003 Regular Meeting**

Action was deferred until the May 7, 2003 Town Board meeting.

**PUBLIC PRESENTATIONS**

**(OLD) PARIS ROAD SEWER EXTENSION:**

The Old Paris Road Sewer Extension Proposal was postponed and Councilman Butler requested that it be added to the agenda for the May 7, 2003, Town Board meeting.

**REPORTS OF TOWN OFFICIALS**

**ASSESSOR:**

**Re-valuation - Assessments**

Councilman Backman reported on behalf of the Assessor Paul Smith that the re-assessment is proceeding well and is on schedule; letters have been mailed to property

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 2**

owners who will have a change in assessment. Councilman Backman reported that the Assessor stated that there is a discrepancy in some assessments.

**HIGHWAY SUPERINTENDENT:**

**Judd Road Lighting Cost**

The Highway Superintendent reviewed with the Board certain aspects of highway lighting costs for the Judd Road connector project. Power Line Constructors and Niagara Mohawk have submitted estimated costs for installation and maintenance, and Niagara Mohawk, alone has provided an estimated cost for energization, regardless of who installs and maintains the forty-two (42) lights. If installation, energy and maintenance are all considered, there is an approximately Ten Thousand Dollar (\$10,000) savings by using Power Line Constructors; however, the Board would like the State to install the lights as part of the Judd Road project and at no cost to the Town, and have the Town be responsible only for the energizing and maintenance. With the installation cost removed from Power Line's estimate and considering only energization and maintenance, the savings increases to approximately Thirty-four Thousand Dollars (\$34,000) over ten (10) years. There was a difference in opinion as to whether the Town should lock into the rate at this time since rates are so high, or wait -- because rates could increase even higher -- and a suggestion that the Town keep track of the invoices. Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 144 OF 2003)**

**WHEREAS**, the New York State Department of Transportation has presented an Agreement to the Town of New Hartford for installation, maintenance and cost of energizing lights for the Judd Road project, and

**WHEREAS**, it is the understanding of the New Hartford Town Board that the New York State Department of Transportation was to install said lights at their expense and that the Town of New Hartford would be responsible only for energizing and maintenance of said Judd Road lights;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign the Agreement with the New York State Department of Transportation agreeing that the Town of New Hartford will pay **ONLY** for the energy costs and maintenance fees for lights on Judd Road.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 3**

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

The Resolution was declared unanimously carried and duly adopted.

**Surplus Property**

Highway Superintendent Cleveland had met with Attorney Vincent Rossi, Jr. regarding advertisement for the sale of surplus property (40' x 60' lot) on Seneca Turnpike and anticipates this will be ready sometime within the next two (2) weeks.

**Champlin Avenue Street Lighting District**

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

**(RESOLUTION NO. 145 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Niagara Mohawk Power Corporation to install two (2) 400 watt high-pressure sodium street lights along Champlin Avenue in the vicinity of the Faxton-St. Luke's Health Care Center campus and the Utica College dormitories (formerly the Ramada Inn), all within the existing Champlin Avenue Street Lighting District, with all associated costs and future energy costs to be borne by said Street Lighting District.

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.

**Roadside Material**

The Highway Superintendent reported that residents are leaving piles of winter mix/dirt along the edges of the road, which can be hazardous for drivers especially at night. Highway crews are currently sweeping the roads, picking up material along the edge of the road and it is difficult to pick up these dirt piles with the pay loaders. The Highway Superintendent will contact the Observer Dispatch to publish an article on this matter.

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 4**

**Appointments – Part-time, Seasonal Laborers**

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

**(RESOLUTION NO. 146 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby appoint Jazmond Davis and John Kelly as part-time, seasonal Laborers in the Highway Department at an hourly rate of Seven Dollars and Seventy- five Cents (\$7.75), payable bi-weekly; effective April 17, 2003 through November 1, 2003.

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.

**FEMA Application**

The Highway Superintendent has submitted an application to FEMA for recovery funds associated with the recent ice storm.

**Vehicle and Traffic Sign - Dixon Road**

Upon request of Councilman Woodland, the Highway Superintendent will see that a replacement “NO PARKING” sign is erected on Dixon Road.

**Time Limit For Trash**

Councilman Waszkiewicz suggested the Board consider a Resolution to limit the time that household trash can be placed on the street prior to collection. Councilman Backman believed that the night before trash pick-up was a little restrictive. The Supervisor stated that the Board should have a “wait and see policy” and if it becomes an issue then act on it.

**Surplus, Used Cars**

Highway Superintendent Cleveland will contact junkyards to determine the value and amount the Town could recoup for the motor-less “junk” vehicles. No Board decision was made at this time as to disposal (sell for junk or sell outright.)

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 5**

**Shopping Plaza Re-assessment**

Shirley Riggles initiated discussion on the assessment of the New Hartford Shopping Center and Supervisor Humphreys explained the reason for the lower assessment and that when the vacant Ames storefront is leased, the building will be re-assessed.

**TOWN CLERK:**

**Local Law Introductory No. "D" of 2003**

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

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

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof, entitled ZONING, and map coincidental thereto, as it pertains to property fronting Applewood Boulevard/Seneca Turnpike, a description of which is set forth in Section 2, and changing the designation of property from LDR (Low Density Residential) to PHB (Planned Highway Business).

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

**SECTION 1.** Chapter 118 of the Code of the Town of New Hartford, Section 118-8, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-8. Zoning Map

(Change the designation of 2.71 acres, plus or minus, identified as the northern portion of Tax Map Parcel No. 327.000-7-24, owned by The Barkett Group, Inc., from LDR [Low Density Residential] to PHB [Planned Highway Business].)

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

All that piece or parcel of land, situate, lying and being in the Town of New Hartford, County of Oneida, and State of New York, and being more particularly described as follows:

1. Beginning at a point, said point lying on the westerly right-of-way line of Applewood Boulevard and being N 02 degrees-30'-00" W, a distance of 281.22 feet, more or less, from the iron pin lying at the point of intersection between the

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 6**

- northerly right-of-way line of Seneca Turnpike, NYS Route 5, and the westerly right-of-way line of Applewood Boulevard;
2. Thence; S 85 degrees-07'-56" W, a distance of 218.22 feet, more or less, to an angle point;
  3. Thence; S 87 degrees-08'-19" W, a distance of 251.40 feet, more or less, to an angle point;
  4. Thence; N 47 degrees-21'-41" W, a distance of 111.88 feet, more or less, to an angle point;
  5. Thence; N 24 degrees-31'-19" E, a distance of 230.60 feet, more or less, to an angle point;
  6. Thence; N 87 degrees-57'-19" E, a distance of 282.00 feet, more or less, to an angle point, said point lying also on the westerly right-of-way of Applewood Boulevard;
  7. Thence; along said right-of-way, S 33 degrees-14'-00" E, a distance of 316.31 feet, more or less, to the point, or place, of beginning;

Containing 118,075.53 square feet, or 2.71 acres, more or less, and being subject to all easements or covenants of record.

**SECTION 3.** 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 4.** 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.

Thereafter, Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 147 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on 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, to consider **Local Law Introductory No. "D" of 2003** which, if

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 7**

adopted, would amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property fronting Applewood Boulevard/Seneca Turnpike, a description of which is set forth in Section 2, and changing the designation of property from LDR (Low Density Residential) to PHB (Planned Highway Business); and be it

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

Town Supervisor Ralph Humphreys explained that because he owns land adjacent to this property, he will discuss the matter, but he will not vote. Upon roll call, the Board members voted as follows:

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

The Resolution was declared carried and duly adopted.

**Application For Mass Public Assembly - Carnival**

Deputy Clerk Jones presented the application of Midway Rides of Utica to conduct a carnival on Home Depot property from April 30 – May 4, 2003; the application had been referred to the Codes Enforcement Officer Gerald Back and the Police Department for their review and on-site inspections. An application fee of Five Hundred Dollars (\$500) had been paid based upon new fees and the fact that Town departments are currently reviewing the application; the Board will consult with Attorney Rossi upon his arrival as to whether the Town should charge the “old” fee or “new” fee. Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 148 OF 2003)**

**WHEREAS**, on April 14, 2003, the Town Clerk received an application from Midway Rides of Utica, New York on behalf of The Home Depot for permission to conduct their annual Carnival, April 30-May 4, 2003;

**WHEREAS**, the application has been sent to the Codes Enforcement Officer and Town Police Chief for their review and recommendation;

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 8**

**WHEREAS**, the Town Clerk has not received the recommendation from the Town Police Chief but the Codes Enforcement Officer has found the application satisfactory, but has recommended that the application be forwarded to New York Mills Fire Chief Robert Glenn for his recommendation;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby approve the application of Midway Rides of Utica for a carnival to be held at The Home Depot property, French Road from April 30 through May 4, 2003, **contingent upon the satisfactory recommendation of the Police Chief, Codes Enforcement Officer and New York Mills Fire Chief Robert Glenn; and**

**BE IT FURTHER RESOLVED** that upon the receipt of the recommendations by the Police Chief, Codes Enforcement Officer and Fire Chief Robert Glenn, the Town Clerk be, and she hereby is, directed to issue the permit under Chapter 44 (Assembly, Mass Public) of the Town Code.

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.

**Use of Voting Machine**

The Town Clerk had received a request for use of Town voting machines; Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTON NO. 149 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to New York Mills Union Free School for the use of two (2) Town voting machines for their May 20, 2003 School Budget/Elections with the stipulation that transportation and set-up of the machines be arranged through Town Voting Machine Custodian Michael W. Jeffery and at no expense to the Town.

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

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 9**

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**

**COUNCILMAN WASZKIEWICZ:**

**Grant Consultant**

Councilman Waszkiewicz had discussed with Attorney Rossi the idea of retaining Connie Miner & Co. for grant writing purposes. Ms. Miner had submitted a quote for an annual fee and had also been requested to submit a quote on an “as needed” basis. Councilman Butler stated that the Village of New Hartford (Fire Department) is pleased with Ms. Miner’s services. Councilman Backman would like Ms. Miner to review a possible federal grant for Willowvale Fire Company’s new firehouse. Discussion ended until Attorney Rossi arrives at the meeting.

**PUBLIC HEARING**

**8:00 P.M. LOCAL LAW INTRODUCTORY NO. “A”,  
AS AMENDED OF 2003 (FIRE HYDRANTS)**

The Town Supervisor opened the Public Hearing at 8:00 P.M. and the Deputy Town Clerk presented the Notice of Public Hearing, Proof of Publication (April 7, 2003 edition of the Observer Dispatch) and Affidavit of Posting of **Local Law Introductory No. “A”, As Amended, of 2003** which, if adopted, would amend the **Code** of the Town of New Hartford by creating a new Chapter 64 entitled Fire Hydrants and restrictions as to the placement of materials on, against or in the immediate vicinity of a fire hydrant located in the Town of New Hartford.

Supervisor Humphreys inquired if anyone present wished to speak **in support** of Local Law Introductory No. “A”, as amended; Planner Schwenzfeier spoke in favor.

Supervisor Humphreys questioned if anyone present wished to speak **in opposition** to Local Law Introductory No. “A”, as amended; no one came forth.

There having been no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 8:04 P.M.

**REGULAR TOWN BOARD MEETING**  
**April 16, 2003**  
**Page 10**

**Local Law No. Three of 2003 - Adoption**

Thereafter, Councilman Backman moved that Local Law Introductory No. "A", As Amended, of 2003 be adopted as Local Law No Three of 2003 as follows; seconded by Councilman Butler:

**Town of New Hartford, New York**  
**Local Law No. Three 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:

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.

**REGULAR TOWN BOARD MEETING**  
**April 16, 2003**  
**Page 11**

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.

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 Resolution was declared unanimously carried and duly adopted.

**8:04 P.M. LOCAL LAW INTRODUCTORY NO. "C",  
OF 2003 (ASSEMBLIES, MASS PUBLIC)**

The Town Supervisor opened the Public Hearing at 8:04 P.M. and the Deputy Town Clerk presented the Notice of Public Hearing, Proof of Publication (April 7, 2003 edition of the Observer Dispatch) and Affidavit of Posting of **Local Law Introductory No. "C"**,

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 12**

**2003** which, if adopted, would amend the **Code** of the Town of New Hartford, **Chapter 44** thereof entitled Assemblies, Mass Public, by amending section 44-5 (permit fee). Said Local Law would increase the fee to One Hundred Dollars (\$100) per day of the event.

Supervisor Humphreys inquired if anyone present wished to speak **in support** of Local Law Introductory No. "C"; Councilman Backman spoke in favor of this matter stating that when an event is held there is more Police Department and Highway Department involvement required. Routinely, two or three events of this nature are held each year.

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

There having been no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 8:07 P.M.

**Local Law No. Four of 2003 – Adoption**

Thereafter, Councilman Butler moved that Local Law Introductory No. "C" of 2003 be adopted as Local Law No. Four of 2003; seconded by Councilman Waszkiewicz:

**Town of New Hartford, New York  
Local Law No. Four 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.

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 13**

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 Resolution was declared unanimously carried and duly adopted.

**MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN**  
**(CONTINUED)**

**ATTORNEY ROSSI:**

**School Crossing Guards**

Attorney Rossi has sought the opinion of the State Comptroller's Office on the matter of the Town paying School Crossing Guards who work within the confines of the Village of New Hartford. Councilman Waszkiewicz spoke with Harry Willis of the Department of State. It was the Town Board's consensus to have Mr. Willis provide his opinion on this matter as well. Concerns expressed, but not necessarily that of all Board members, included:

- whether elimination of school crossing guards could be an issue with the Parent Teachers Association
- perceived intention that responsibility for Town take-over of village police and crossing guards named in the 1984 Resolution would now be with the Town
- some belief that the 1984 Resolution constitutes an Agreement because the Town now pays for the Police and Crossing Guards
- what would it take for the Town to enter into a 5G Agreement (Article 5G of the General Municipal Law) so that the Town can continue what they have been doing since 1985
- why haven't the State auditors had a problem with this payment that's been going on since 1985.

Attorney Rossi advised that the salary expenses for these positions should be borne by the Village since that is where the safety services are being provided. In a 5G Agreement, the Town could be providing service but the Town should get something in exchange for providing said service. Upon request of Councilman Butler, Attorney Rossi will determine by the May 7, 2003 Town Board meeting what it would take to have a 5G Agreement.

## **REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 14**

### **COUNCILMAN WASZKIEWICZ (CONT'D):**

#### **Posting of Sign Notification for Zoning Variance/Amendment**

Tabled until the May 7, 2003 Town Board meeting.

#### **Jerome K. Madden Justice Building - Update**

Councilman Waszkiewicz has spoken with the Police Chief on possible upgrade of the police/court facilities; however, the Chief has not heard from Clark Patterson Associates who will determine whether the current structure can accommodate a second story and whether the expansion will meet State codes.

#### **Zoning Board of Appeals – Terms to Expire**

A resident who might be interested in serving on the Zoning Board has approached Councilman Waszkiewicz. The Town's process of filling any open positions was then reviewed. Councilman Waszkiewicz will work up a potential press release and will e-mail it to Town Board members for their input.

#### **Green Space Areas**

Councilman Waszkiewicz has been working with the Town Planner on this matter and the bottom line is that the Planner may or may not have a recommendation. Planner Schwenzfeier stated that the amount of green space for new developments needs to be agreed upon by the Town Board. While the Town's Parks Master Plan requires five percent (5%) green space, the average green space in the State is seven percent (7%) for most communities. The Planner stated that the Town would not have a problem if an eight percent (8%) figure was required but would have a problem if a ten percent (10%) figure were used. The green space percentage does not include wetland or wasteland. The Planner stated that a developer could use a "payment in lieu of" figure, which must be placed into a special account for park use. Attorney Rossi stated that wetland that is not suitable for residential construction might be useable for green space and meet at least part of the green space requirement for residential subdivisions. Current Subdivision Regulations leave the percentage of green space to the Planning Board's discretion and Councilman Waszkiewicz inquired what percentage the Town would want to use. The Town Board can mandate to the Planning Board what percentage is to be designated for green space. Prior to the May 7, 2003 Town Board meeting, Councilman Waszkiewicz will provide Attorney Rossi for his review a copy of the Resolution addressing the five percent (5%) already in the Parks' Master Plan; meanwhile, the Planner obtain copies of Resolutions on green space from other Towns and provide copies to Attorney Rossi.

#### **Annexation – Clinton Street, New York Mills**

The Village of New York Mills wants to annex several Clinton Street parcels from the Town of New Hartford once the Judd Road project is completed. There appears to be no downside to this annexation for the Town and the affected residents will receive services from the Village that would have better access to their properties.

## **REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 15**

### **Proposed Higby Road Water Tower**

Councilman Waszkiewicz reported that the Upper Mohawk Valley Regional Water Board has refigured some calculations and the water tower does not have to be on the border of the Town of New Hartford, but two (2) towers will be needed. The Town of New Hartford needs to secure some lands near its border.

### **NYS Route 12 Highway Improvement - Binghamton to the Mohawk Valley**

Councilman Waszkiewicz reported that additional funding is being made available for this highway project. The grand total is approaching Twenty Million Dollars (\$20 M) for the improvements that have been made on this project. The next area to be improved will be in the vicinity of Waterville.

### **Oneida-Herkimer Counties Economic Development Zone Board**

Councilman Waszkiewicz will give the minutes from the last two (2) meetings to the Town Clerk. The Supervisor will be receiving a letter reaffirming that the Town needs to concur with any new economic zone amendments.

### **Streamlining Town Facilities and Operations**

Councilman Waszkiewicz would like to set up a meeting to discuss streamlining of Town facilities and operations. Since the Town Board has considered a number of solutions and properties with the goal of having one facility to consolidate Town offices, he didn't know what streamlining was left to discuss. Discussion followed relative to streamlining and holding a special meeting for this matter. Supervisor Humphreys believed there was sufficient space for expansion off the rear of the Jerome K. Madden Justice Building and that the consultant's report should be available by the May 7, 2003 Town Board meeting. Councilmen Waszkiewicz and Butler have met with individuals regarding another possibility. Councilman Backman stated if additional information regarding real property acquisition is to be discussed, it needs to be done in Executive Session.

Councilman Backman noted that the Historical Society needs additional space and their papers and materials are deteriorating; he inquired about moving the Historical Society to the second floor of Butler Memorial Hall. The Town Supervisor stated that the New Hartford Village Board would not let the Historical Society use this area; the Town will re-address this matter with the Village Board. Councilman Waszkiewicz believed that the Town should re-establish a joint board to the Board of Trustees for Butler Memorial Hall, citing the need for improvements in the heating, ventilation and air conditioning systems for Butler Memorial Hall. Attorney Rossi inquired if a Contract existed with the Village of New Hartford for lease of Town Offices. Councilman Butler will address these issues with Village Mayor Donald Ryan. Councilman Butler stated that he is not against expansion but is not sure that this is the best solution until some other questions are answered; i.e. such as talking with Mayor Ryan regarding the upstairs room at Butler Memorial Hall.

**REGULAR TOWN BOARD MEETING**  
**April 16, 2003**  
**Page 16**

**COUNCILMAN BACKMAN**

**Website - Parks & Recreation Department**

Councilman Backman stated that Parks and Recreation Director Michael Jeffery would like to set up a website for his Department by selling Advertisement for the site. Concerned about the town selling advertising, Councilman Waszkiewicz stated that the former Town Attorney Gustave DeTraglia cautioned the Town about selling advertisements for a website. Attorney Rossi doesn't have an objection about this; he will look into the matter and will contact Councilman Backman on his findings. Thereafter, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 150 OF 2003)**

**WHEREAS**, the Parks and Recreation Director is desirous of establishing a website by selling advertisement to the site; and

**WHEREAS**, the monthly cost of the website would be approximately One Hundred Dollars (\$100), which could be self-sustaining by the selling of advertisements;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct Parks and Recreation Director Michael Jeffery to sell advertisement for a website **contingent upon the findings and investigation by Vincent J. Rossi, Jr., Attorney for the Town.**

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 Resolution was declared unanimously carried and duly adopted.

**Fee – Permit For Mass Public Assembly**

It was explained to Attorney Rossi that Midway Rides had made application to conduct a carnival on Home Depot property from April 30 – May 4, 2003 and they were charged Five Hundred Dollars (\$500). Councilman Backman questioned this since the Local Law increasing the permit fee was not effective yet. Attorney Rossi stated that the Town could charge this fee since the event has not taken place but will do so in the future and that Town Departments are still conducting reviews.

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 17**

**Grant Consultant (Cont'd from Page 9)**

Councilman Waszkiewicz asked Attorney Rossi for his opinion on hiring Grant Consultant Connie Miner on an hourly basis; Attorney Rossi did not see a problem with this. Discussion ensued about the manner of payment for Ms. Miner's services. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 151 OF 2003)**

**WHEREAS**, the Town of New Hartford does acknowledge the importance of identifying any and all available grants on behalf of its residents; and

**WHEREAS**, the Town of New Hartford does understand that all departments need to do an investigation and pursue all possible funding sources to maximize the services and benefits that each provides the residents; and

**WHEREAS**, the Town of New Hartford does want to minimize the burden of the costs of these improvements and services on the taxpayers;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of New Hartford does offer to hire Connie D. Miner & Co. to work in concert with the Town of New Hartford Planner subject to the following conditions:

- maximum cost of Eight Thousand Dollars (\$8,000)
- to develop an expanded New Hartford's grant identification and application effort, as outlined in Ms. Miner's proposal of March 28, 2003
- this grant writing work shall include at a minimum but not limited to, the eight (8) grants identified in her proposal together with the "fire department new construction" financing funding mechanism grant application
- the payment for same will be Two Thousand Dollars (\$2,000) on signing the agreement and One Thousand Dollars (\$1,000) for the next six (6) months
- entitlement to the monthly installments is contingent on the work progressing at a reasonable rate.
- Ms. Miner shall provide the Town copies of her work so the Town can monitor the progress.
- confirmation of the appropriate account numbers from which payment will be made.

The Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 18**

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

The Resolution was declared unanimously carried and duly adopted.

**MATTERS SUBMITTED BY TOWN SUPERVISOR:**

**Meeting – Oneida County Town Supervisors and Mayors**

The Town Supervisor stated that this meeting would be held in the Town of Floyd on April 28, 2003 at 6:45 P.M. and representatives from the State Comptroller’s Office and the Upper Mohawk Valley Regional Water Board would be present.

**Fireworks Display Permit**

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

**(RESOLUTION NO. 152 OF 2003)**

**WHEREAS**, an Application For Fireworks Permit has been submitted by Gordon Archibald, 9714 Mallory Road, New Hartford, New York, for June 21, 2003; and

**WHEREAS**, said Application has been forwarded to Police Chief Raymond Philo and Codes Enforcement Officer Gerald Back for their recommendations; and

**WHEREAS**, the Town Clerk has received the appropriate Certificate of Insurance naming the Town of New Hartford as additional insured;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk **contingent upon the recommendations of the Police Chief Raymond Philo and the Codes Enforcement Officer Gerald Back**, to issue to Gordon Archibald a Fireworks Display Permit for the display of fireworks upon his premises on June 21, 2003, in accordance with the regulations set forth in said Permit.

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.

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 19**

The Resolution was declared unanimously carried and duly adopted.

**Appointment - New Hartford Public Library Board of Trustees**

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

**(RESOLUTION NO. 153 OF 2003)**

**WHEREAS**, Kevin Kelly's term as a member of the Board of Trustees for the New Hartford Public Library expired on December 31, 2002;

**RESOLVED** that the New Hartford Town Board does hereby appoint Cicily Eidelhoch, 6 Old Willow Road, New Hartford, New York, to a five-year term as a member of the Board of Trustees for the New Hartford Public Library, retroactive to January 1, 2003 and expiring on December 31, 2007.

The Board members 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.

**Computel Consultants**

Supervisor Humphreys had received a letter from Computel Consultants enclosing a Settlement Agreement with Niagara Mohawk in the amount of Seven Thousand Dollars (\$7,000), said amount due the Town as a result of overpayment for services rendered. On recommendation of the Town Supervisor, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 154 OF 2003)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to sign the **Settlement Agreement and Release, Amendment No. 1** between the Town of New Hartford and Niagara Mohawk Power Corporation as same relates to an April 18, 2001 Settlement Agreement and Release between said parties and wherein Niagara Mohawk Power Corporation will pay the Town the incremental amount of Seven Thousand Dollars (\$7,000).

**REGULAR TOWN BOARD MEETING**  
**April 16, 2003**  
**Page 20**

A roll call vote was duly held 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 School**

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

**(RESOLUTION NO. 155 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;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Town Supervisor Ralph B. Humphreys to attend the Management School from May 14-16, 2003 in Saratoga Springs, New York, with expenses to be borne by said Town as budgeted.

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.

**Police District**

The Town Supervisor has received a draft of State legislation that, if adopted, would allow the Town to create a police district for taxation purposes; the Village of New Hartford has also received a copy of this draft from Assemblyman Townsend. After reviewing the draft, several discrepancies and errors were noted; he will contact the person who drafted the document and give a report at the May 7, 2003 meeting.

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 21**

**Audit of Vouchers**

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

**(RESOLUTION NO. 156 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 Whole Town Abstract No. 13	\$ 45,372.51
General Fund, Part-Town Abstract No. 12	\$ 85,077.94
Highway Fund, Part-Town Abstract No. 9	\$ <u>16,287.45</u>
<b>TOTAL:</b>	<b>\$146,737.90</b>

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 157 OF 2003)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the acquisition of real estate.

A roll call vote ensued:

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

**REGULAR TOWN BOARD MEETING**

**April 16, 2003**

**Page 22**

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Deputies Town Clerk, were then excused from the meeting at 10:07 P.M. Attorney for the Town, Vincent Rossi, Jr. remained.

**(NOTE: SUPERVISOR HUMPHREYS PROVIDED THE FOLLOWING TRANSCRIPT ON THURSDAY, APRIL 17, 2003, AT 2:00 P.M.)**

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 158 OF 2003)**

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

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

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

The Supervisor declared the Resolution unanimously carried and duly adopted, the Executive Session ended at 11:33 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Butler and seconded by Councilman Backman, the meeting was adjourned at 11:35 P.M.

**Respectfully Submitted,**

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