

**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, MAY 21, 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 being present during the progress of the meeting:

TOWN BOARD MEMBERS: Councilman Donald C. Backman
Councilman John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Assessor Paul Smith (Arrived 9:00 PM)
Highway Superintendent Roger A. Cleveland and
Deputy Hwy Supt. Anthony DeCuffa
Police Chief Raymond Philo (Arrived 10:06 PM)
Town Clerk Gail Wolanin Young, CMC/RMC
Deputy Town Clerk II Nancy E. Kneller

OTHERS: Attorney for the Town, Vincent Rossi, Jr.

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

MINUTES

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

(RESOLUTION NO. 184 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 **April 2, 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	-	ABSTAINED, as he was

Not present at the April 2nd meeting.

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS

TOWN CLERK:

Raffle Consent

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

(RESOLUTION NO. 185 OF 2003)

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

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

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.

Training School

Upon presentation by the Town Clerk, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 186 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

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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 interested Town Officials and Department Heads to attend the June 17, 2003 dinner meeting of the Oneida County Association of Towns to be held in Vernon, 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.

HIGHWAY SUPERINTENDENT:

Surplus Vehicles - Auction

A discussion ensued about the surplus equipment to be offered for sale at the Oneida County auction to be conducted in June 2003; the Town Clerk's Office has retrieved the requisite Certificates of Title. Thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Backman:

(RESOLUTION NO. 187OF 2003)

RESOLVED that the New Hartford Town Board does hereby declare the following vehicles as surplus:

- 1994 Chevy Caprice, VIN 1G1BL53P6RR186278, Mileage 113,802
- 1988 Suburban Chevrolet, VIN 1GNER16K5F179720, Mileage 48,197
- 1997 Crown Victoria, VIN 2FALP71W6VX183682, Mileage 94,609
- 1993 Crown Victoria, VIN 2FACP71W7PX145896, Mileage 75,151
- 1999 Ford Expedition, VIN 1FMPU18L8XLB93607, Mileage 64,882, **Starting price at Nine Thousand Dollars (\$9,000); the Town Board reserves the right to change this amount.**

and does hereby authorize and direct the Highway Superintendent to deliver said vehicles for sale at the Oneida County Auction to be held on June 12, 2003.

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Two (2) other vehicles without motors and transmissions will be sold for scrap. 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.

Pre-Development Agreement/Memorandum of Understanding - Bremer

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

(RESOLUTION NO. 188 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement and a Memorandum of Understanding between the Town of New Hartford and ***Bremer Development***, Seneca Turnpike at Commercial Drive, New Hartford, NY wherein said ***Bremer Development*** would contribute, as per the conditions of said Pre-Development Agreement, the total sum of Nine Thousand Five Hundred Seventy-seven Dollars (\$9,577) as same relates to this development within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area.

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 Supervisor declared the Resolution unanimously carried and duly adopted.

2003 Paving Budget

Highway Superintendent Cleveland recalled that the Highway Department's 2003 paving budget had been reduced from \$400,000 to \$300,000 by the Town Board and stated that he can easily quantify \$300,000 more that is needed for specific streets identified. The Board will review the list to be furnished and take the matter under consideration.

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Curbside Trash Collection Program

Highway Superintendent Cleveland and Deputy Highway Superintendent DeCuffa expressed thanks to Town residents for complying with the Curbside Trash Collection regulations – the public relations program (trash flyers mailed and newspaper articles) has worked extremely well this year. An employee has been sent ahead of the trash collection crews and leaves door hangers at residences for any irregularities so that when the trash collection crews arrive on site the debris has been sorted, rectified – a savings in time for crews, about 20% savings to the Town.

Private Hauler Quotations – Curbside Trash Collection

A lengthy discussion ensued among Town Board members, the Highway Superintendent and Deputy Highway Superintendent regarding quotes from *Feher Rubbish Removal* and *Waste Management*, private haulers, to perform some trash collection instead of the Highway Department crews. The Deputy Highway Superintendent didn't believe the service would be comparable because the haulers wouldn't pick up tires and white goods, still leaving the Highway crews circulating to pick up these items along with all metals; in addition, he believes the Town will receive numerous phone calls from residents because haulers will be picking up certain items and leaving the rest for Highway crews. When Highway crews perform the trash collection, it's "...one shot and they are out". The Highway Superintendent and his Deputy believe Town residents should be notified of this change. After much discussion, Councilman Backman expressed his willingness to try this experiment in the First Ward; the Town Supervisor will seek quotes for haulers to pick up all trash, not just certain items, and bring the information to the Town Board. Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 189 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the collection of all curbside trash by a private hauler to be determined, in half of Ward One in said Town during fiscal year 2003, at the discretion of the Town Supervisor, and in accordance with quotes to be submitted.

A roll call vote was duly held and 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.

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Competitive Bid – Release of Bid Security Deposit

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

(RESOLUTION NO. 190 OF 2003)

WHEREAS, the Town Clerk has received written confirmation from the Highway Superintendent that the 2003 Dump Truck with Body (Brush Truck) had been delivered to the Town of New Hartford on May 5, 2003 and meets Town specifications;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release to **CAPGLO TRUCK SALES, INC.** their Bid Security Deposit in the amount of Two Thousand Nine Hundred Twenty Dollars (\$2,920) from the Trust and Agency Account.

The Supervisor polled the Board members who voted as follows:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

Wage Increase – Temporary Highway Laborer

Upon recommendation of the Highway Superintendent, the following Resolution was duly offered for adoption by Councilman Backman and seconded by Councilman Woodland:

(RESOLUTION NO. 191 OF 2003)

RESOLVED that the New Hartford Town Board does hereby increase the hourly wage of Brian Smith, Temporary Highway Laborer, from \$7.50 to \$7.75, effective May 19, 2003 and payable bi-weekly.

A roll call vote was duly held as follows:

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.

PUBLIC PRESENTATIONS

COMMUNITY RESIDENCE – 7 WHEATLEY CIRCLE

On April 21, 2003 the Town of New Hartford received correspondence from **The ARC**, as formal notification of their interest and intent to relocate a small existing certified residence in Oneida County to an alternate property at 7 Wheatley Circle in the Town of New Hartford. **The ARC** intends to purchase said property for the relocation of a supervised residence for five (5) individuals. Under Section 41.34 of the Mental Hygiene Law, “the Town has forty (40) days after receipt of the letter to respond in one (1) of three (3) ways:

- approve the site recommended by the sponsoring agency
- suggest one (1) or more suitable sites within its jurisdiction that could accommodate such a facility
- object to the establishment of a facility of the kind described by the sponsoring agency, because to do so would result in such a concentration of community residential facilities for the mentally retarded/developmentally disabled in the municipality, or in the area in proximity to the site selected, or a combination of such facilities with other community residences or similar facilities licensed by other agencies of state government, that the nature and character of the areas within the municipality would be substantially altered.

If the municipality does not respond within forty (40) days, the sponsoring agency may establish a community residential facility at the site recommended in its notice.”

At the request of the Town Supervisor, the Town Clerk’s Office had arranged for representatives of **The ARC** to make a presentation at this Board meeting and had forwarded all Wheatley Circle property owners a copy of **The ARC**’s correspondence and invited these property owners to this meeting.

The ARC representatives present were Mary Jane Tottey, Director of Residential Services, and Charlene Girmonde. Ms. Tottey stated that **The ARC** serves people who grew up and work in the community, lived a majority of their life with their families and are now trying to be independent; they need a certain level of assistance and support. The five (5) individuals are currently in an established home off the Parkway in Utica and

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are relocating as the neighborhood had begun to be unsafe for the individuals in the home. **The ARC** has considered several locations in the area and are looking for a one floor ranch-style residence to meet some physical needs of the residents; **The ARC** is committed to smaller, home-type settings. Normally, six (6) or less residents occupy a home; the home proposed for 7 Wheatley Circle will house five (5) male residents. Twenty-four (24) hour supervision is provided, including sleep-over staff. No significant changes to house are planned except for upgrades, such as new windows and maybe convert the existing garage into bedrooms – reconfigure usable space without adding onto house. According to criteria of NYS, no bedrooms can be located below grade level, public water and sewer must be available, and the building must be structurally sound and meet all NYS and local codes. The maximum number of beds per bedroom is two (2); however, **The ARC** tries to have one (1) person per bedroom for privacy. In order to receive an operating permit from the State, the agency must be above reproach – lawns mowed, houses kept up, etc. Ms. Tottey outlined the Town Board's options (*refer to first paragraph on this topic*).

Wheatley Circle residents then presented questions:

- **Salvatore Mercurio**, 18 Wheatley Circle
Concerned with number of bedrooms available for 5 residents and 1 staff
Ms. Tottey explained that 3 bedrooms currently exist and that the family room can be used as a bedroom; the garage is expected to be converted to 2 bedrooms
- **Lois Greene**, 6 Wheatley Circle
Referred to the Abstracts of Title for Wheatley Circle properties, and the covenant restricting use of property for one-family residential
Ms. Tottey responded that under State law, a community residence is considered one-family

Attorney for the Town, Vincent Rossi, Jr., explained that prior to enactment of the Mental Hygiene Law, there was much local resistance to community residences for the disabled and municipalities used their zoning law to prohibit such uses. However, statute now provides that this type of activity is not subject to zoning laws and the community residences are treated as a single-family residence and would not be excluded even by restrictive covenant in a deed. There is a provision that the Town could suggest alternative sites to **The ARC** that would have to consider them.

Supervisor Humphreys inquired about the proposed residents, their employment status, and supervision. Ms. Tottey confirmed that five (5) male residents would live at this site and they are employed; their mode of transportation is a mini-van and/or a school-type bus owned by **The ARC**. Two (2) staff members are present during the morning and evening; but only one (1) staff person sleeps overnight. Supervisor Humphreys cited

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another community residence – not an **ARC** home – where staff park on the streets and there is more staff. Ms. Tottey acknowledged the property has sufficient parking for at least three cars in the driveway.

- **Stuart Greene**, 6 Wheatley Circle
Expressed concern about safety of the clients, as the home at 7 Wheatley Circle has a sunken living room
Ms. Tottey stated the residents will be young men in their 30's and 40's who are able bodied
- **Melvin** – no address on Wheatley Circle provided
Questioned the residents being able bodied and **The ARC** needing a ranch-style home because of physical needs.
Ms. Tottey explained that due to State regulations, residents must be able to evacuate a community residence within a certain amount of time
- **Robert Sonne**, 32 Wheatley Circle
Is this an appropriate location for the people to live – they need a certain amount of attention and this would be a change for the neighborhood; expressed concern with neighborhood property values and how **The ARC** homes will affect them
- **Marilyn Sonne**, 32 Wheatley Circle
Believed a community residence on Wheatley Circle would be too far away from transportation lines, the bus route for the disabled residents

Ms. Tottey reiterated that the residents are people who have lived with their families in this area. If someone moved into 7 Wheatley Circle over whom you have no legal authority, you'd have to live with it, she commented. However, with a community residence, the neighboring property owners have my name and can contact **The ARC**.

- **William Yetman**, 4 Wheatley Circle
Questioned whether **The ARC** had planned to have a public hearing before the forty (40) days expired. Expressed concern with only five (5) bedrooms -- need sufficient space for six (6) people. Has seen a portion of the State law on community residences – appreciates that NYS law allows different groups to be considered single family but believes it's unreasonable to warehouse six (6) people in a three (3) bedroom house. He knows the 7 Wheatley Circle house needs an upgrade and may have water problem in the basement – a further health danger (mold, mildew) to the residents. The structure is located on a curve with limited site distance and highways on almost three (3) sides. Expressed concern that someone with a disability will be injured when navigating the corner; also, it's a long walk from public transportation. Site is considered a dead-end, only one access for medical help, emergency and

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sudden escape. Neighboring property owners include many senior citizens in their late 70's and 80's; with an environment of this nature (community residence) in a close area of Wheatley circle, people will be less flexible and less willing to be sensitive to needs of disabled in the neighborhood. One 88-year-old person who has lived in her home for a number of years -- 26 without her husband -- leaves her door open due to ambulation problems -- "Meals on Wheels being delivered, Mr. Yetman to check on her, etc.; she is now fearful that she would be able to leave her door open now for her needs. He recommended that the Town assist **The ARC** to help them find a suitable location and suggested to **The ARC** that they work with the Town to find a more suitable location for these five (5) disabled people.

Ms. Tottey explained that before a particular site can become certified as a community residence, the building must meet specifications and codes -- replace windows, paint as needed, upgrade as needed. In terms of safety to the disabled residents, they have lived in Utica, have on occasion walked -- but they like to go to the Mall -- getting into the mini-van and go to the Mall. Ms. Tottey didn't believe these individuals are more in jeopardy of being hit by car than non-disabled people are.

In comparison with the Towns of Whitestown and Kirkland, the Town Supervisor wondered how the Town of New Hartford ranked with the number of community residences; Ms. Tottey didn't have the specific number in each Town but did mention approximately eight (8) other municipalities in which such residences are located.

- **Jeanne Sisley**, 30 Wheatley Circle
Had no concerns with the clients; but shared Mr. Yetman's concern about traffic and the possible occasion of cars parked on the road
Ms. Tottey confirmed that staff parking would be in the driveway only.
- **Rosemary Ullrich**, 20 Wheatley Circle
Concerned with four (4) cars in the winter and fire emergency vehicles; questioned the number of bathrooms. MJ -- 2.5
Ms. Tottey reiterated staff vehicles would be parked in the driveway; the house at 7 Wheatley Circle has 2.5 bathrooms
- **John Sisley, Jr.** 30 Wheatley Circle
Has had an association with these people for a long time. Can attest that fifteen (15) residents of a community facility located across from a Utica church at which he was Pastor, became members of his church and one became a deacon. At first there was some resistance to the community residence; but in three (3) months, the neighboring property owners were bringing cookies to **The ARC** facility and having the disabled residents perform such tasks as mowing their lawn. "It's a matter of acceptance," he said..

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- **Melvin** (last name and address withheld)
Is 50 years old and hopes to become the age of the elderly Wheatley Circle property owners; he's lived in the community for 10 years and the neighborhood has been good to him. Agreed with Mr. Yetman's comment about warehousing the disabled residents – "...that's what you're doing – six (6) grown men trying to use the kitchen and use the bathroom. From an inmate point of view, it's hell."
- **Dennis Thompson**, 8 Christopher Circle
Inquired about ratio of residents to staff
Ms. Tottey stated that five (5) residents to one (1) staff member is appropriate for the age.
- **Stuart Greene**, 6 Wheatley Circle
Commented his Abstract of Title restricts use of his property to a one-family home. Attorney Rossi responded that when a restrictive covenant is included in a deed, the property owner has certain rights and the Town's action doesn't restrict the property owner from taking any action to oppose this development in civil court, if the property owner so wishes. The Town has an option of opposing the community residence if they believe this activity will change the character of a neighborhood in an adverse way.

Councilman Waszkiewicz supports **The ARC** and his company employs some disabled individuals. He shared some concerns the residents had expressed – when St. Luke's considered a green house program and the previous Town Board felt a one-way-in, one-way-out street was a concern – potential for inaccessibility for clients and others, for older persons with a nurse. He inquired if there were other community residences on a dead-end street. Ms. Tottey responded there is a community residence on Patricia Lane (a cul-de-sac), off Oneida Street, Utica. Councilman Waszkiewicz recalled that the Town Police Chief had expressed some concern for the Charles Sitrin Home Healthcare proposal to construct along Higby-Tilden Avenue about thirty (30) homes for persons with disabilities; does the Town have a disproportionate number of facilities? Has **The ARC** considered traffic concerns, like for the Sitrin Home Healthcare project?

- **Javlon (?) Lewis**, (no street address given)
Believes that **The ARC** is running a business out of a home (paying employees, etc.) and that it's illegal.
Ms. Tottey referred to State law that allows community residences and acknowledges them as a single-family unit. Attorney Rossi offered to contact Attorney Hobaica who is the lawyer for **The ARC**.

Councilman Backman understands there are other facilities in the Town and the Town does face parking issues and noise from these community residences, sometimes

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generated by staff and not necessarily the residents. He wants assurance that employee vehicles will be parked in the driveway – not on the street – and that staff do not go outside and smoke and talk at 2:00 A.M. Also, to oppose the community residence on Wheatley Circle because it is mostly occupied by senior citizens is not a strong argument because younger families will buy and move in the area at some point and could make more noise than this facility. Councilman Backman doesn't oppose this facility – "...society is judged on how we treat our elderly and infirmed".

Attorney Rossi reviewed the three (3) options the Town Board has, as outlined in **The ARC's** April 17, 2003 communication.

Councilmen Backman and Woodland do not oppose the relocation of a community residence at 7 Wheatley Circle. Councilman Butler doesn't oppose the community residence, with the stipulations set by State law with what the Town has to work with; he didn't believe the Sitrin Home Healthcare proposal was the same as the community residence proposed for 7 Wheatley Circle.

Attorney Rossi is willing to contact **The ARC** attorney for some assurances of the way the facility will be run – and that there won't be any employee late night disturbances, etc. Ms. Tottey reiterated that if neighboring property owners experience any difficulties, they can call her and she will do what she can to resolve the problem.

Supervisor Humphreys believed – after listening to everything – that the Town Board doesn't have much choice – it's a legal use of the property, **The ARC** can buy it – the Town can only delay the inevitable – he wanted to make sure that things occurring elsewhere won't happen at 7 Wheatley Circle and people can live in peace – take the advice of Pastor Sisley and give it a good try – extend your hand and they will extend theirs. The Supervisor thanked everyone for attending. The presentation ended at 9:35 P.M., with no action being taken by the Town Board.

REPORTS OF TOWN OFFICIALS (CONT'D)

ASSESSOR:

Appointment - Temporary Board of Assessment Review members/Grievance Day

Due to an estimated 450 to 500 assessment grievances, the Board of Assessment Review will hear cases on Grievance Day, May 27, 2003 from 10:00 A.M. to 9:00 P.M., as well as on May 28, 2003 from 9:00 A.M. to 6:00 P.M. Upon recommendation of Assessor Paul Smith, the following Resolution was introduced for adoption by Councilman Backman and seconded by Councilman Woodland:

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(RESOLUTION NO. 192 OF 2003)

WHEREAS, the Assessor's Office has received nearly five hundred (500) grievances from property owners who are protesting the recent increases in their property assessments; and

WHEREAS, Real Property Tax Law, Section 523-a, allows the legislative body of any local government, in any year it deems necessary, to appoint temporary members to the Board of Assessment Review to serve on administrative hearing panels as provided in this Section; and

WHEREAS, such temporary Board of Assessment Review members are subject to the same qualifications, training and disclosure requirements as members of the Board of Assessment Review;

NOW, THEREFORE, BE IT RESOLVED that, the following persons having duly attended the requisite training through Oneida County, the New Hartford Town Board does hereby appoint Krista Barnes Pembroke, Margaret S. Rotton, S. Ann Murray, Kristen Teuchert Shaheen and James Spellman as temporary members of the Board of Assessment Review for the duration of the 2003 Grievance Day procedures, to be monitored by the Town Assessor; and be it

FURTHER RESOLVED that the New Hartford Town Board does hereby establish an hourly rate of Ten Dollars (\$10) for the temporary Board of Assessment Review members and does further establish a Twenty-five (\$25) fee to be paid to each temporary member for their attendance at the requisite training session.

The Town Board members then voted as follows:

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

The Resolution was thereupon declared unanimously carried and duly adopted.

Appointment – Part-time Clerk/Grievance Day

Upon further recommendation of the Town Assessor, the following Resolution was offered for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 193 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint Barbara Couture as a Part-time Clerk, to rotate with the regular Assessor employees for meal purposes for approximately five (5) to eight (8) hours for the Grievance Day hearings on May 27 and May 28, 2003, at an hourly rate of Eight Dollars (\$8.00), payable bi-weekly.

Upon roll call, the Town Board voted as follows:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted.

Tape Recorder and appurtenances – Grievance Day

After a discussion on State law that it's advisable to tape record each grievance procedure in event someone wants to review it in future, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Butler:

(RESOLUTION NO. 194 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Councilman Backman, member of the Assessor's Committee, to purchase one (1) tape recording machine and the necessary amount of batteries and tapes to be used at the Grievance Day hearings, to be paid from the Assessor's contractual expense.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

Close Assessor's Office – May 29, 2003

Upon recommendation of the Assessor, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Butler:

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(RESOLUTION NO. 195 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize the closing of the Assessor's Office on Thursday, May 29, 2003 as a "mental health day" with staff utilizing compensatory time earned during the 2-day Grievance Day hearings on May 27 and May 28, 2003; the Assessor shall arrange publication of this closure in The Observer Dispatch.

The Town Board members then 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.

(NOTE: Chief Philo joined the meeting at 10:06 P.M., having come from a Police Commission meeting.)

TOWN CLERK – POLICE CHIEF:

Walk-a-thon:

The Town Clerk had received a request from Neida Bosque, owner of *The Slimmer You*, for permission to conduct a walk-a-thon through a portion of the Town of New Hartford in August 2003 to raise funds to benefit the Shriners Hospital. The Police Chief stated that the numbers of walk-a-thons are on the increase, needing police assistance and resources; he questioned where the Town draws the line as it seems this is a private business making money. After discussion among the Police Chief and Town Board, Attorney Rossi noted the Town has no existing law regulating walk-a-thons and no permit process. It was the Town Board's consensus that while the Town Board was not granting permission for this walk-a-thon, the Board was not denying it, but urged caution to be exercised as they would be proceeding at their own risk; further, Ms. Bosque should contact the New York State Department of Transportation, which has jurisdiction over Burrstone Road and Champlin Avenue. The Town Clerk will convey this information to Ms. Bosque.

Juvenile Disturbance - Sangertown Square Mall

Police Chief Philo informed the Town Board that the Town has been reimbursed for police services rendered as a result of a major incident at Sangertown Square Mall in the Fall of 2002. He has looked into obtaining federal resources to solve the problem;

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similar situations involving youths have occurred throughout the country where there are indoor shopping malls. The Town is trying to be pro-active about the problem and hasn't stopped working on this and he cautioned it could happen again if we let our guard down.

Corridor Enforcement Grant

A Corridor Enforcement Grant has been approved in the amount of Twenty-five Hundred Dollars (\$2500) – the State Department of Transportation has recognized NYS Route 5A (Commercial Drive) from the Whitestown municipal line to NYS Route 5 (Seneca Turnpike) as a high-accident roadway and is willing to fund law enforcement agencies to do high profile enforcement and education to reduce the accident rate and reduce driver tension in these corridors. The Town will partner with the New York State Police and the New York Mills and Yorkville Police Departments.

Appearance Tickets – Codes Enforcement Officer

Upon recommendation of the Police Commission, the Police Chief discussed with and sought the Town Board's opinion or advice on whether the Town Police should be assisting and actually serving appearance tickets for codes violations. Attorney Rossi had researched law to determine if the Codes Enforcement Officer can serve appearance tickets; statute does authorize it and the Town Board can adopt a resolution to this effect. Councilman Butler offered the following Resolution for adoption and Councilman Waszkiewicz seconded same:

(RESOLUTION NO. 196 OF 2003)

RESOLVED that, effective May 22, 2003, the New Hartford Town Board does hereby authorize and direct the Town Police Department to serve appearance tickets for codes violations for the Town Codes Enforcement Office.

The Board voted upon roll call:

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.

Pay Phone – Jerome K. Madden Justice Building property

Upon recommendation of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Butler:

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(RESOLUTION NO. 197 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to consult with Telecommunication Concept, Inc. on the price for a reconditioned pay phone to be installed in the area of the Jerome K. Madden Justice Building, said price not to exceed the amount expended when the Town purchased a reconditioned phone for the Recreation Center.

The Board was polled and 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.

MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN

ATTORNEY ROSSI:

Zoning Violation – 36 Morgan Lane

Codes Enforcement Officer Gerald Back had contacted Attorney Rossi about the Galligano zoning violation and Attorney Rossi will meet with CEO Back on this.

Highway Department Union Negotiations

Attorney Rossi has prepared a Memorandum to the Town Board outlining Attorney Peter Jones' comments on what to do if an impasse is reached.

COUNCILMAN WASZKIEWICZ:

Information and material storage analysis

Councilman Waszkiewicz submitted a Resolution relative to identifying funds through grants for equipment and storage. Since the Town Clerk is the Records Management Officer, Councilman Backman suggested that the Town Clerk meet with the representative from ASR.

Sewer extension

Councilman Waszkiewicz and the Highway Superintendent continue to work on a process the Town Board can use for criteria on behalf of residents.

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Posting of Sign notification – Zoning amendments or variances

This matter was tabled as the Town Planner is developing some criteria.

Green space

After some discussion on the matter, Councilman Waszkiewicz suggested that the Town Planning Chairman review the proposal to have a uniform percentage of green space throughout all Town regulations. Councilman Waszkiewicz will report to the Town Board at a later date.

Jerome K. Madden Justice Building

The Police Chief had submitted a design for expansion of the existing police and court building (out the side and back); however, there is no update at this time according to the Police Chief.

Appointments – Zoning Board of Appeals

Two appointments on the Zoning Board of Appeals will expire June 9, 2003; the incumbents have expressed an interest in re-appointment. The Town will also advertise these positions in the Observer Dispatch.

Water tower - Upper Mohawk Valley Regional Water Board

The Upper Mohawk Valley Regional Water Board has identified a location for this structure; Councilman Waszkiewicz expects to attend the meeting next week on this matter.

Annexation – Clinton Street, New York Mills

Attorney Rossi will prepare the petition for annexation of several parcels on Clinton Street from the Town into the Village of New York Mills. This relates to Clinton Street becoming a cul-de-sac once the Judd Road connector project has been constructed.

EDGE Zone Board Update

The City of Utica had applied for and received a One Million Dollar Brownfields Revolving Loan to be used for the clean-up and redevelopment of Brownfield sites in the City. An economic zone map amendment should be mailed May 22, 2003. The target market for BRLF loans and subgrants includes the Gateway/Historic canal area, the Broad Street Business & Technology corridor, the North Utica industrial area and the Cornhill/Hope VI Target area.

COUNCILMAN BACKMAN:

Competitive Bid Process – Willowvale Fire Co., Inc.

Councilman Backman had been contacted by an individual who was disgruntled that the Willowvale Fire Co., Inc. had not sought competitive bids for architectural assistance.

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The Town Clerk reminded the Board that ORRICK, HERRINGTON & SUTCLIFFE, Bond Counsel for the Town, had determined that because the Fire Company is not a municipal entity, said Fire Company is not required to seek competitive bids, that they can hire whom they wish. The Town Clerk will forward this information to Gary Edwards, President of the Willowvale Fire Co., Inc.

SEQR – Willowvale Fire Co., Inc. “new firehouse”

The Town Clerk had been contacted by Sue of the Empire State Development, inquiring whether the Willowvale Fire Company had completed the SEQR process for construction of their new firehouse. Until the SEQR process has been completed, no grant funds can be disbursed to the Fire Company. Councilman Backman stated that the Fire Company anticipates presenting plans before the Planning Board in early Summer 2003 and, at that point, will commence the SEQR process.

COUNCILMAN WOODLAND:

Utility Poles – Cable Television lines

In mid-January 2003 Councilman Woodland had been informed that within a couple weeks Adelphia would be removing their “old” cable lines from utility poles; to date, there has been no activity. Attorney Rossi will contact Steven Moran of Adelphia relative to their timeframe.

Proposed Traffic Signal – Seneca Turnpike at Applewood Boulevard

Councilman Woodland inquired whether the Town Board should write to State Senator Meier and Assemblyman Destito to assist in getting a traffic signal installed on Seneca Turnpike at its intersection with Applewood Boulevard. After a brief discussion, it was announced that Councilman Waszkiewicz and Attorney Rossi would attend a New York State Department of Transportation meeting on May 22, 2003.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 198 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 ha been duly audited by the Town Board:

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General Fund, Whole-Town Abstract No. 16	\$ 250.00
General Fund, Whole-Town Abstract No. 17	\$ 27,326.21
General Fund, Part-Town Abstract No. 15	\$ 47,394.30
Highway Fund, Part-Town Abstract No. 11	\$ 58,500.00
Highway Fund, Part-Town Abstract No. 12	\$109,322.61
Sewer Fund Abstract No. 8	\$ 2,110.20
Salt Storage Barn Abstract No. 1	\$ 280.90
Drainage Abstract No. 6	\$ 213.34
Water Abstract No. 2	\$ <u>3,807.15</u>
TOTAL:	\$249,204.71

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

Retirees' Health Insurance

The Town Board reviewed information from the Personnel Assistant about dental insurance for retirees and Councilman Woodland reported that, after age 65, many companies terminate dental and that Medicare generally doesn't cover expenses except for oral surgery; however, some plans have provision as part of medical benefits, some allow for preventative, x-ray and cleaning, some only accidental and some pay for everything including root canals, denture and major restorative work. Attorney Rossi will review the late 1980's Resolutions for retirees George Peck (and his spouse) and James Roselli and will report at the June 4, 2003 Town Board meeting.

Whitetail Meadows – Water District/Stormwater District

Attorney Rossi requested that this matter, submitted by Attorney Maya, be deferred until he can fully review the petitions.

EXECUTIVE SESSION

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

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(RESOLUTION NO. 199 OF 2003)

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

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 12:01 A.M. on Thursday, May 22, 2003. The Attorney remained for this portion of the meeting.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 200 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 12:18 P.M. The regular portion of the Town Board meeting was immediately reconvened

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Butler, the meeting was adjourned at 12:18 A.M. on Thursday, May 22, 2003.

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Respectfully Submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk