

**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, OCTOBER 15, 2003 AT 7:04 P.M.**

The Town Supervisor called the meeting to order at 7:04 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: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Planner Kurt L. Schwenzfeier
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones

OTHERS: Attorney for the Town, Vincent Rossi, Jr

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

MINUTES:

September 3, 2003 Town Board 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. 363 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting *September 3, 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	-	Aye
Councilman Backman	-	Aye

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

September 17, 2003 Town Board meeting

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

(RESOLUTION NO. 364 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 *September 17, 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	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

October 1, 2003 Town Board meeting

Action was tabled on the October 1, 2003 Town Board minutes until the November 5, 2003 meeting.

PUBLIC PRESENTATIONS

CONSTITUENT COMPLAINTS - SHIRLEY RIGGLES:

Debris – Wedgewood Apartment Complex

Shirley Riggles reported that a problem exists with debris from the Wedgewood Apartments blowing into the street, i.e. Golf Avenue. She called the Town Highway Department and Highway crews did come and pick the debris up; however, Ms Riggles is concerned about possible future incidents because she believes the apartment complex owners do not care. She alleged that the Wedgewood complex staff had made no attempt to remove the debris from the public street.

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Posted Weight Limit – Golf Avenue

Ms. Riggles stated that, for about a year, Coach USA buses have been entering the Wedgewood Apartment complex driveway off Golf Avenue, which is posted for a six (6) ton weight limit. The Town Supervisor believed that the Town Code (Chapter 113, VEHICLES AND TRAFFIC) allows local deliveries, i.e. picking up and dropping off of people and products; he noted that school buses traverse the road as well.

Buffer Zone & Lighting – Wedgewood Apartments

Shirley Riggles is concerned that the remaining buffer zone between the Wedgewood Apartments and Golf Avenue is being destroyed and that the complex lights are objectionable, especially the glare of the lights off the snow and rain.

Parking Ticket – Town Employee

Ms. Riggles expressed her dismay with Attorney Rossi's advice at the last Board meeting that the Town pay for a parking ticket issued to a Town employee who had attended a workshop in Albany several years ago. She felt that anyone else working for a business would be responsible to pay their own tickets and she asked the identity of the employee. Councilman Backman responded that the Assessor was ticketed when he was on a business trip for the Town.

New Hartford Public Library funding

Ms. Riggles questioned the New Hartford Village's contribution to the New Hartford Public Library. The Town Supervisor stated that it was Nineteen Thousand Dollars (\$19,000), but if the library funding were switched to Whole-Town in the budget, all residents would pay the same amount.

PRESBYTERIAN HOME – MUNICIPAL SERVICE AGREEMENT:

Ray Garrett from the Presbyterian Home requested that the Town Board amend the Municipal Services Agreement (MSA) between the Town and the Presbyterian Home before the Preswick Glen project can proceed. Mr. Garrett said some minor changes are needed, such as changing 'Presbyterian Home of Central New York' to read 'Presbyterian Home Foundation' as property is being transferred to the Presbyterian Home Foundation, a sister corporation – not lesser or more than the Presbyterian Home of Central New York. Councilman Waszkiewicz asked if the organization currently listed can co-sign the Agreement as well as the Foundation. Mr. Garrett stated, that by transferring the land to the Foundation, the Foundation would lease the land. Ray Garrett says that the Foundation will not be co-signer of the Preswick Glen debt. When the MSA was first signed, the Presbyterian Home of Central New York owned the land and now the Presbyterian Home wants the Agreement to properly reflect the current owner of the land --- the Presbyterian Home Foundation. Councilman Butler would like Attorney Rossi to discuss this matter with the Presbyterian Home's attorney. In addition, Mr. Garrett requested that the MSA be amended with reference to the Preswick Glen

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Development being a straight rental property with no entry fee being charged; if approved, the amendment would establish a deposit (in the broad sense would be an entry fee), which deposit would be ninety percent (90%) refundable. According to Mr. Garrett, this deposit concept is largely a request of the bankers who see that this type of a concept would be more of a commitment and more stable than a rental role, which can disappear quickly. Mr. Garrett further reported that the deposit money would be used to pay down the debt from the beginning, but Mr. Garrett further stated that ninety percent (90%) of the deposit would be returned whether the resident left within one (1) day or ten (10) years. He asked that the wording "no entry fee" be eliminated from the MSA. Mr. Garrett stated that basically the Foundation would be accepting the transfer of the MSA from the Presbyterian Home for Central New York to the Presbyterian Home Foundation. In response to Councilman Backman's question, Mr. Garrett stated that these amendments would not reset the length of the thirty-year (30) program.

REPORTS OF TOWN OFFICIALS

(AGING) DIRECTOR OF SENIOR SERVICES:

Appointment - Substitute Kitchen Worker

Upon the request of the Director of Senior Services, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 365 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Jack Jecko as a substitute Kitchen Worker in the New Hartford Adult Dining & Activity Center, effective October 15, 2003, at an hourly rate of Seven Dollars and Seventy-three Cents (\$7.73), payable bi-weekly.

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.

Flu Shot and Stroke Screening Clinic

Eileen Spellman reported that there would be a flu shot clinic and stroke screening at the Dining & Activity Center on October 16, 2003.

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ASSESSOR:

Mailing to Property Owners - Re-evaluation Program

The Town Assessor recalled prior Board discussions about sending letters to property owners this Fall, but the Assessor is waiting for some diagnostic figures. He hopes that the letters, which will contain an overview of the re-assessment program and the neighborhoods to be re-evaluated, will be mailed on December 1, 2003. Data is being collected for Chadwicks and other neighborhoods. The Assessor will present a draft for the Board's approval prior to being mailed to all property owners; however, a Notice of Re-evaluation will be included in the letters only to those property owners who will have a change in their assessment.

Small Claims Assessment

Assessor Smith reported that ninety-seven (97) small claims assessment cases that came across his desk had been settled to date and that twenty-two (22) of those claims had no changes. Some of the settlements had been made with the Assessor, with the remaining being decided by a Hearing Officer.

Office Space & Equipment - Maxwell Appraisals

The Assessor discussed the availability of office space for Maxwell Appraisals for the coming year. The Assessor has an extra computer for them, but does require another printer for their use. The appraisers from Maxwell have been using the computers in the Assessor's offices and this makes it difficult for the Assessor and his staff to complete their necessary work when Maxwell is using their equipment. The Assessor suggested that the additional computer could be placed in the corner of the meeting room in the Sanger Building, which would be the shortest distance to run a cord to connect the computer. No definitive decision was made.

Training - State Assessment Software

The Town Assessor reported that the State is offering V4 Valuation Classes, to review changes in the State assessment software. These classes will be offered at no cost in the Office of Real Property Services, Syracuse, NY on October 27, November 3 and November 10, 2003. It was the consensus of the Board members that the Assessor attend these classes and that he use a Town car for his transportation to and from Syracuse.

PLANNER:

Local Law Introductory No. "G" – Zoning Text Amendment

On behalf of the Codes Enforcement Officer Gerald Back, the Town Planner presented Local Law Introductory No. "G" of 2003 – Zone Text Amendment, copies of which had been provided to the Town Board members, together with a short Environmental Assessment Form (EAF).

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SEOR/Lead Agency Status – Local Law Introductory No. “G” of 2003

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

(RESOLUTION NO. 366 OF 2003)

RESOLVED, that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agent in the matter of a Zone Text Amendment, identified as Local Law Introductory No. “G” of 2003, to redefine the terms “Building Height” and “Yard Rear” and to clarify language pertaining to the set back requirements of accessory buildings, structures and uses as requested by Codes Enforcement Officer Gerald Back.

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.

Introduction – Local Law Introductory No. “G” of 2003

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

Town of New Hartford, New York
Local Law Introductory No. “G” 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 and Section 118-64. B. Accessory buildings.

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 118-6, Definitions, is hereby amended as follows:

Section 118-6. Definitions

Replace the existing BUILDING HEIGHT definition with the following:

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BUILDING HEIGHT – Height of a structure is measured vertically from the average elevation immediately around the structure to the average height between the eaves and ridges for a hip, gable or gambrel roof. The measurement is taken at the highest point of a flat-roofed building and at the deck-line of a mansard-roofed building.

Amend the existing YARD, REAR definition as follows:

YARD, REAR – Delete the phrase “except for accessory buildings” in the definition.

SECTION 2. Chapter 118 of the Code of the Town of New Hartford, Section 118-64, Accessory buildings, structures and uses, is hereby amended as follows:

Section 118-64. Accessory buildings, structures and uses.

Replace the existing Subparagraph B. with the following:

B. Accessory buildings, structures and uses shall not alter the character of the premises on which they are located and, except for access ways to accessory parking or loading areas from an adjoining street, shall for any side or rear yard not be closer to the property line than would be permitted for the zoning district in which it is located based on the Schedule of Use, Area and Bulk Regulations for that district.

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.

239-Review – Local Law Introductory No. “G” of 2003

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

(RESOLUTION NO. 367 OF 2003)

WHEREAS, on October 6, 2003, Town staff had recommended a Zone Text Amendment to redefine the terms “Building Height” and “Yard, Rear” and to clarify

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language pertaining to the setback requirements of accessory buildings, structures and uses; and

WHEREAS, the Town Planner has submitted a short Environmental Assessment Form for the proposed Zone Text Amendment;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby refer Local Law Introductory No. "G" 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.

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 COUNCILMEN

COUNCILMAN BACKMAN:

Agenda items:

- Cell phone policy revision – Recommendation that each cell phone user will contribute Twenty Dollars (\$20) toward the cost of the cell phone usage and will be allowed to use it for personal use. Those not wishing to pay Twenty Dollars (\$20) toward the cost of the cell phone will leave the cell phones in the Town building. A question arose about who will be responsible for the roaming charges. An amendment to the Employees Handbook will be drafted for the Board's consideration at the November meeting.
- Sessions Road reconstruction – Highway Superintendent that the survey quotes have been requested.
- Town T-1 conversion – Considerable discussion followed on the existing 56K lines versus conversion to T-1 lines (VPN – virtual private network for computers), quotes received including applicable monthly charges, any one-time installation fees, construction of firewalls and possible savings. Councilman Backman will have Account Clerk Janice O'Sullivan prepare a spreadsheet on all the costs for Councilman Waszkiewicz, who had a number of questions.

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PUBLIC HEARING

**8:00 P.M. LOCAL LAW INTRODUCTORY NO. "E"
OF 2003 (No Parking – Irving Road)**

The Town Supervisor opened the Public Hearing at 8:00 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (October 7, 2003 edition of the Observer Dispatch) and Affidavit of Posting pertaining to **Local Law Introductory No. "E" of 2003** which, if adopted, would amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLE AND TRAFFIC**, by adding a portion of Irving Road to Section 113-45, Schedule XI: Parking Prohibited at All Times.

Supervisor Humphreys inquired if anyone present wished to speak **in support** of Local Law Introductory No. "E", no one came forth.

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

Councilman Woodland stated that after inspecting the site, it has become aware that there is a significant traffic tie-up in this area, preventing the safe maneuvering of vehicles onto Irving Road and Seneca Turnpike.

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

Adoption - Local Law No. Five of 2003 – No Parking/Irving Road

Thereafter, Councilman Woodland moved that Local Law Introductory No. "E" of 2003 be adopted as Local Law No. Five of 2003, in the following format; seconded by Councilman Waszkiewicz:

Town of New Hartford, New York
Local Law No. Five of 2003

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by adding a portion of Irving Road to Section 113-45. Schedule XI: Parking Prohibited at All Times.

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

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-45, is hereby amended to include the following:

Section 113-45. Schedule XI: Parking Prohibited at ALL Times

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<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Irving Road	Both	From New York State Route 5 Southerly a distance of 65 feet

SECTION 2. All other provisions of Chapter 113 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.

A roll call vote ensued:

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

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

REPORTS OF TOWN OFFICIALS (CONT'D)

HIGHWAY SUPERINTENDENT:

Retirement – Highway HEO Francis Kelly

The Highway Superintendent announced that HEO Francis Kelly is retiring as of October 16, 2003; a celebration is being planned and the Highway Superintendent will keep everyone informed as to the final plans.

Appointment – Highway Department Laborer

Upon recommendation of the Highway Superintendent and review by the Town Personnel Assistant, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 368 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby appoint John Kelly as a Full-time Laborer in the Highway Department, effective October 19, 2003, at an hourly rate of Nine Dollars (\$9.00), payable bi-weekly; said hour rate reflects that Mr. Kelly does not possess a Commercial Driver's License (CDL).

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Appointment – Highway Department Part-time, Seasonal Employee

Upon recommendation of Highway Superintendent and review by the Town Personnel Assistant, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 369 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint Jesse Conhaim as a Part-time, Seasonal Laborer for the Highway Department, effective October 19, 2003, at an hourly pay rate of Seven Dollars Seventy-Five Cents (\$7.75), payable bi-weekly, to assist with the Fall Leaf pick-up program.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

Compost Site

The Town Supervisor commended the Highway Superintendent on the work he had completed in getting the green-waste site ready for usage. The Highway Superintendent reported that another Village is interested in using the site also. The local NYS Department of Environmental Conservation (DEC) officials are pleased with the site and might use it as a model for other municipalities.

Appointment – Promotion to Highway Department HEO position

Upon recommendation of the Highway Superintendent and review by the Town Personnel Assistant, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 370 OF 2003)

RESOLVED that the New Hartford Town Board does hereby promote Highway Department Motor Equipment Operator (MEO) Michael Roberts to Heavy Equipment Operator (HEO); effective October 19, 2003, *contingent upon the approval by the Oneida County Personnel Department as to Mr. Roberts' qualifications.* This promotion fills the vacant HEO position created by Francis Kelly's retirement and shall include an hourly differential of One Dollar Twenty-Five Cents (\$1.25).

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

Sauquoit Creek Basin Steering Committee

Highway Superintendent Cleveland, Chairman of the Sauquoit Creek Basin Steering Committee reported that the Committee has the option of joining another authority, or creating its own authority. He recommended that the Town move forward with an Intermunicipal Agreement within the Sauquoit Creek Basin. A letter has been drafted to send to the other municipalities, which would not commit any municipality to any amount of money. Attorney Vincent has seen this letter. The Intermunicipal Agreement will make the group a legal entity and be eligible for grant money. This matter will be further discussed at the November 5, 2003 Town Board Meeting.

Training School

Upon request of Highway Superintendent Cleveland, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 371 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 Planner Kurt Schwenzfeier, Attorney

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for the Town Vincent Rossi, Jr., Supervisor Ralph Humphreys, and Councilman Donald Backman [provided his schedule allows], to attend the teleconference sponsored by the Cornell Cooperative Extension on “Where’s the Money?” relating to finding funds for public water and sewer projects on Wednesday, October 22, 2003 in Oriskany, 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.

Web Site

The Highway Superintendent asked if there was someone who could work with his Department so that they would know what they can and cannot do with the Web Site. Jim and Cathy Lawrence, Webmasters, have agreed to visit the Highway Superintendent and discuss this matter with him.

Drainage Problem - Beechwood Road

Relative to the Zammiello property at 23 Beechwood Road, the Town Attorney has reviewed the proposed Easement and made minor changes. Action is expected to be taken at the November 5, 2003 Town Board meeting.

Reconstruction of Bleachery Avenue Bridge – Rustic rails

The Highway Superintendent had received a communication from Montgomery-Watson-Harza (MWH) explaining that Cathy Newell [Mohawk Ltd.] had requested that galvanized rail be avoided for aesthetic purposes. Thereafter, former MWH employee Hugo Leon had suggested the use of rustic rail as an alternative and claimed that the use of rustic rail had been identified in the handout distributed at the May 22, 2002 public informational meeting. Of the eight (8) residents who attended that meeting, no public comments had been received about use of this type of rail.

Drainage Project – Slaytonbush Lane

The Highway Superintendent has received two (2) quotes from contractors for drainage work on Slaytonbush Lane. Nester Brothers quoted Seven Thousand Eight Hundred Dollars (\$7,800) and Ellis Construction quoted Five Thousand Six Hundred Twenty-Five Dollars (\$5,625). The Highway Superintendent recommended that the Board accept the quote from Ellis and leave the additional side yard damage repair to the homeowners.

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The Town Board had approved some prior projects on August 7 and August 21, 2002, with the cost of the projects coming out of the Stormwater Management Fund. Discussion continued on the Slaytonbush Lane drainage project. Town Board members agreed that projects keep creeping up and the Board thought that stormwater criteria had been established to judge and prioritize cases. Councilman Backman believed that Town residents should not be asked to pay for site-specific problems located outside the Town right of way and/or created by the Town. Councilman Waszkiewicz disagreed, noting that each of these situations or accumulated issues is far within the parameters that were set up at the time.

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

(RESOLUTION NO. 372 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve the expenditures of Five Thousand Six Hundred Twenty-Five Dollars (\$5,625) to help mitigate drainage problems for several homeowners on Slaytonbush Lane with the understanding that, in the future, any possible projects that come before the Town Board are to have a set cost before moving ahead and that the costs of said project possibly will be shared with the property owner.

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.

MATTERS SUBMITTED BY COUNCILMEN AND ATTORNEY
(CONT'D)

COUNCILMAN BACKMAN:

Street Sign – Roberts-Mohawk Street Intersection

Councilman Backman requested that the Highway Superintendent place a street sign at the corner of Roberts Road and Mohawk Street, as none presently exist.

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Pebble Creek Light District

Councilman Backman asked the Highway Superintendent if there should be a light pedestal located at 116 Pebble Creek Lane as is indicated on the map. The Councilman visited the area and did not see a pedestal there. The Highway Superintendent will investigate this matter further.

Drainage - Higby Road/Christopher Circle

Councilman Backman asked the Highway Superintendent review the stormwater management criteria for Higby Road/Christopher Circle and that this matter be discussed at the November 5, 2003 Town Board meeting.

Constituent Comment: Tree Removal – Mallory Road

Speaking from the audience, David Serth of 9293 Mallory Road asked that a tree be removed, which is blocking Palmers Creek in the area of his home and asked that this matter be placed on the agenda for future consideration.

POLICE CHIEF:

PAMET Software – Emergency Dispatch Center

Police Chief Raymond Philo spoke in behalf of Telecommunicator Supervisor Jeffrey Madden, who is working at the Dispatch Center due to the many power outages due to high winds. PAMET has agreed to bill the Town Twenty Thousand Dollars (\$20,000) this year and the balance would be billed in and paid out of the 2004 Budget, as authorized at the October 1, 2003 Town Board meeting. The Town Board requested that the Telecommunication Supervisor secure, in writing, from PAMET that this payment method is acceptable to them.

Area Speed Limit Sign – Foxcroft Road

Councilman Butler had previously discussed with the Highway Superintendent a constituent request for an additional area speed limit sign on Foxcroft Road. According to Chief Philo, the State Traffic Manual allows additional signs to be erected within an “area speed limit” zone. Councilman Butler will consult with Robert Byrd to determine if he has any objection to the sign being erected on his property and will convey Mr. Byrd’s wishes to the Highway Superintendent. Thereafter, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 373 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to erect an additional “*area speed limit*” sign on Foxcroft Road, which sign could be placed by the Robert Byrd property at 4 Foxcroft Road, Tax Map No. 339.001-1-12, reminding motorists of the thirty (30) mile per hour speed limit.

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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.

Agreement – STOP DWI Program

Upon recommendation of the Town Police Chief, Councilman Woodland presented the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 374 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the ***STOP DWI*** Contract with the County of Oneida for the period January 1, 2004 – December 31, 2004, in the amount of Twenty-Seven Thousand Dollars (\$27,000).

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.

Buckle-Up NY Traffic Enforcement and Education Grant

Upon recommendation of the Town Police Chief, Councilman Woodland presented the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 375 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the ***Buckle Up NY Traffic Enforcement and Education Grant*** in the amount of Five Thousand One Hundred Seventy-Eight Dollars (\$5,178) for fiscal year 2004.

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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.

Agreement - Child Advocacy/Sexual Abuse

Police Chief Philo presented the Child Advocacy Contract between the Town of New Hartford and Oneida County Department of Social Services Child Advocacy Center for one Police Officer working at the Center on child sex abuse investigations.

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

(RESOLUTION NO. 376 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the ***Child Advocacy Agreement*** with the Oneida County Department of Social Services/Child Advocacy Center for the period January 1, 2004 – December 31, 2004 for the amount of Fifty-three Thousand Four Hundred Sixty-Six Dollars (\$53,466).

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.

Fire Lanes – Consumer Square Mall

Police Chief Philo explained that he has been working with New York Mill's Fire Chief Robert Glenn regarding the need to develop fire lanes in Consumer Square Mall. No parking areas/fire lanes are proposed in front of particular stores so as not to deter emergency vehicle access. The Town Clerk and Police Chief will work on this project and when completed, the Town Clerk will forward copies of the legislation to the Town Board and Attorney Rossi, Jr. for their review.

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Local Law Introductory No. "F", As Amended, of 2003

Attorney Rossi submitted changes to legislation introduced at the October 1, 2003 Board meeting regarding Chapter 56, DOGS AND PETS. Thereafter, Councilman Waszkiewicz introduced the following legislation for consideration at a Public Hearing scheduled for November 5, 2003; co-sponsored by Councilman Butler:

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

A Local Law to amend the Code of the Town of New Hartford, **Chapter 56** thereof entitled **DOGS AND PETS**, by defining the term "habitual loud howling or barking" and "habitual chasing".

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

SECTION 1. Chapter 56 of the Code of the Town of New Hartford, Section 56-1, is hereby amended as follows:

Section 56-1. Restrictions and regulations; dogs

Add the following sentence to Subparagraph B:

Howling or barking, audible from a location beyond the owner's or caretaker's premises, for five (5) minutes or more with less than one (1) minute interruption, shall constitute habitual loud howling or barking in violation of this section.

Add the following sentence to Subparagraph E:

Chasing or barking at ten (10) or more motor vehicles during any seven (7) consecutive days shall constitute a violation of this section.

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.

Dog Enumeration

Open positions for Dog Enumerators have been placed on the Town's Web Site; also, notice was sent to Mohawk Valley Community College and Utica College in the event college students might be interested in assisting with this project.

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MATTERS SUBMITTED BY COUNCILMEN AND ATTORNEY (CONT'D)

COUNCILMAN BUTLER:

Agenda item:

- Morgan Lane update – Councilman Butler had mediated an agreement between the Dorseys and Sears-Galligano; however, Mrs. Dorsey now feels that the agreement is not in her best interest. Councilman Butler will follow up.

COUNCILMAN WASZKIEWICZ:

Agenda items:

- Grant Writing update – Connie Miner & Herkimer-Oneida County Community Foundation – Councilman Waszkiewicz has asked Connie Miner to send a note stating her intentions; bottom line being that there would be no increase in her contract. As far as Herkimer-Oneida Community Foundation is concerned, there are two different ways to achieve the goal(s) identified. Councilman Waszkiewicz requested that Attorney Rossi be given authority to talk with the Community Foundation's attorney to determine the best way to achieve the goal, and solicit grant money only if there is a 501 3 (c) corporation in place; also to potentially fund raise in an annuity situation that the Community Foundation is accustomed to doing. The Board members concurred.
- Information & material storage analysis/ASR System – Councilman Waszkiewicz spoke with Kent Steutz of the New York States Archives, and Mr. Steutz will meet with Councilman Waskiewicz and the Town Clerk to look at information and material for storage space usage.
- Public notification of part-time and seasonal jobs – Councilman Waszkiewicz has asked the Personnel Assistant to devise a process of notifying the public of vacant seasonal, part-time positions (schools, colleges, Web Site, etc.)
- New York Mills annexation of specified properties – Status report – Councilman Waszkiewicz distributed a map showing which property owners have signed annexation petitions; only one property owner on West Drive didn't sign and are a definite "no" because they're involved in some issues, although they are in support of the annexation.
- Higby Road water tower update – This matter will be discussed with the Highway Superintendent in Executive Session.
- Southern Reservoir passive recreation update – There will be a meeting Friday, October 17, 2003 with the capital projects committee, Mohawk Valley Water Authority. Discussions will include putting fencing where the parks and recreation specialist recommend, so there's enough land to set up a passive recreation trail and moving the Cascade Drive fencing back into the woods to

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- make the area more aesthetically pleasing. The Police Chief stated that he would like to offer comments at an appropriate time (during a future SEQR process).
- *Herkimer-Oneida Economic Development Zone Board* – Councilman Waszkiewicz will give to the Town Clerk a list of people who are part of the Economic Development Zone and who will be receiving notification that they need to file for certification or their allocated acreage will revert to the Zone Board.

Legislation – Recreational Vehicles

Councilman Waszkiewicz asked the Town Clerk to obtain sample legislation regulating the placement of boats and trailers for winter storage on residential lots.

COUNCILMAN WOODLAND

Agenda items:

- *STOP Sign* - Councilman Woodland had received a constituent request for a “Stop Sign” on Merritt Place at its Clintonview Boulevard intersection; the matter was referred to the Police Chief for an on-site inspection.
- *Commercial Trash Collection* – Supervisor Humphreys had contacted the rubbish hauler(s) and inquired if Councilman had noticed any change regarding the dumpster pick-ups at the commercial restaurants located on Seneca Turnpike. Councilman Woodland had contacted the complainant, who had not returned his phone call.
- *Alleged Codes Violation – Roberts Property, NYS Route 12B (Clinton Road)* - Kenneth Kostolecki had contacted Councilman Woodland about alleged codes violations on the Roberts property. The Codes Enforcement Officer has inspected the area and finds no problem with the property. Attorney Rossi will contact Mr. Kostolecki to see if he can mediate the situation.

ATTORNEY ROSSI:

Litigation - 2001 Salt Barn Bid (D’Onofrio Contracting)

Attorney Rossi was optimistic that the Town will be successful in its lawsuit against D’Onofrio regarding the 2001 Salt Barn Bid.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

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(RESOLUTION NO. 377 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. 36	\$ 370.55
General Fund, Whole-Town Abstract No. 37	\$ 23,882.33
General Fund, Part-Town Abstract No. 26	\$ 86,396.65
Highway Fund, Part-Town Abstract No. 24	\$ 1,660.83
Sewer Fund Abstract No. 15	\$ 6,309.35
Street Light District Abstract No. 13	\$ <u>7,245.42</u>
TOTAL:	\$125,865.13

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

2004 Budgetary Funding – New Hartford Public Library

The Supervisor and Attorney Rossi had researched funding for libraries. The Town of Kirkland appropriates funds for their library in the Whole-Town General Fund. Attorney Rossi believes that the library should be a part of the Whole-Town General Fund, but he could not find a State Comptroller's opinion on the matter. Laurie Mithren basically says it should be a town-wide charge even though the Village of New York Mills would be paying an additional fee because they have their own library. After discussion, the Town Supervisor introduced the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 378 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct that the appropriations and revenue accounts for the New Hartford Public Library be transferred from Part-Town General Fund to Whole-Town General Fund so that the fees to operate the New Hartford Library would be a Town-Wide expense in fiscal year 2004.

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Councilman Butler asked if this would increase the amount paid by the New York Mills residents and Attorney Rossi explained that it would increase the total tax burden on the Village of New York Mills. 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

2003 Budget Revisions

Upon recommendation of the Bookkeeper, Supervisor Humphreys introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 379 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Bookkeeper Carol Fairbrother to make the following revisions in the 2003 Annual Budget, for the purposes indicated:

Computer Software – Dispatch Center

Increase Account	A3220.2	\$20,000.00
Decrease Account	A1990.4	\$10,000.00
Decrease Account	A3220.11	\$10,000.00

Gazebo Construction (Town share/Village Park)

Increase Account	A7110.4	\$8,000.00
Decrease Account	A1450.2	\$8,000.00

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

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Abandonment of portion of Seneca Turnpike (near Evalon Road & Utica National Insurance)

The Town Supervisor acknowledged receipt of a deed from the New York State Department of Transportation for an area around Evalon Road; some of the land is full of easements and nothing can be done with it. Supervisor Humphreys suggested contacting the adjacent property owners to determine their interest in buying the property for One Dollar (\$1) and maintain the property. Also, part of the island in front of Utica National Insurance Company has been deeded, but not the entire plot. Supervisor Humphreys suggested the area could be used for a Veterans Memorial. Councilman Woodland will contact his constituents and report at the November 5, 2003 Town Board regarding the purchase and maintenance of the property.

2004 Preliminary Budget

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

(RESOLUTION NO. 380 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford will conduct Public Hearings to commence at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, on Wednesday, November 5, 2003 in the Community Meeting Room, Butler Memorial Hall, New Hartford, to consider the following matters:

- the adoption of the 2004 Preliminary Budget as the 2004 Annual Budget; and
- the establishment of the ad valorem charges for the fiscal year beginning January 1, 2004 for the following special districts/improvement areas

New Hartford Consolidated Sewer District
Water Fund
Fire Protection Districts No. 1 through No. 5,
Inclusive
Various Street Lighting Districts; and be it

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

Upon roll call, the Board members voted as follows:

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

(RESOLUTION NO. 381 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition and matters leading to a possible promotion of a particular employee.

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, Town Clerk and Deputy Town Clerk, were then excused from the meeting at 10:51 P.M. Attorney Rossi and Highway Superintendent Cleveland remained.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 382 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

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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 11:47 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 Woodland and seconded by Councilman Butler, the meeting was adjourned at 11:48 P.M.

Respectfully Submitted,

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

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