

**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, FEBRUARY 4, 2004 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

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

OTHER TOWN OFFICIALS: Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Telecommunicator Supervisor Jeffrey Madden
(Arrived at 8:12 P.M.)
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk II Nancy E. Kneller

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:10 P.M.)

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

MINUTES

December 17, 2003 Joint Public Hearing/Annexation

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

(RESOLUTION NO. ... OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Joint Public Hearing conducted by the New Hartford Town Board and New York Mills Village Board on *December 17, 2003* relating to the annexation of parcels on Clinton Street, West Drive and New Hartford Street, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye

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Councilman Woodland - ABSTAINED as he did not attend that meeting due to an injury
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

January 7, 2004 Regular Town Board meeting

Councilman Butler introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. ... OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **January 7, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

January 9, 2004 Special Town Board meeting

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

(RESOLUTION NO. ... OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held **January 9, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz - Aye
Councilman Butler - ABSTAINED as he did not attend that meeting due to his full-time employment
Councilman Backman - Aye

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Councilman Woodland - ABSTAINED as he did not
attend that meeting due to his full-time employment
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

January 21, 2004 Regular Town Board meeting

Action was deferred on these minutes.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Personnel – Creation of two (2) Highway Department laborer positions

Upon recommendation of the Highway Superintendent who had discussed the matter with Personnel Assistant Aiello, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. ... OF 2004)

WHEREAS, effective January 8, 2004, Brian Smith had been appointed as a full-time Laborer, replacing MEO Charles Herthum who left the Town’s employment; and

WHEREAS, HEO Gary Locke will be retiring in 2004, thereby creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the creation of two (2) full-time Laborer positions in the Highway Department, one (1) to be filled by Brian Smith who was appointed as a Laborer at the January 7, 2004 Town Board meeting and the second Laborer position to be filled upon the retirement of HEO Gary Locke. It is understood that the creation of these two (2) full-time Laborer positions shall not increase the number of full-time Highway Department employees but, rather, shall serve as “entry-level” positions when an employee transfers to another department, retires or otherwise leaves the Town’s employment.

Upon roll call, the Board members voted as follows:

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

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This Resolution was declared unanimously carried and duly adopted

Sewer Maintenance Policy

The Highway Superintendent and Public Works Committee met February 4, 2004 to discuss proposed revisions to the Town's Sewer Maintenance Policy; a draft will be forwarded to Town Board members.

Comprehensive Study – Sanitary Sewer Pump Stations

The Town Board will also be provided with an executive summary from Charles Shoemaker who performed a comprehensive study of the Town's four (4) sanitary sewer pump stations, including recommendations for improvements. [NOTE: Refer to November 5, 2003 Town Board minutes.]

Private Refuse Haulers

A letter has been mailed to the private refuse haulers, reminding them of the informal agreement reached with the Town in 2003 limiting haulers to not more than two (2) days per week in any of the four (4) designated areas.

Curbside Trash Collection

The trash collection schedule is being prepared for the Town Board's review and input. Proposed changes are:

- dumpster days being scaled back from ten (10) to seven (7)
- no tires will be collected at curbside; however, residents can bring tires at least for this year to the Sanger Public Works Garage site
- green garden debris to be brought to the Sanger Public Works Garage.

Pre-Development Agreement & Memorandum of Understanding – (Seneca Turnpike Liquors)

Upon recommendation of the Highway Superintendent, Councilman Woodland introduced the following Resolution for adoption and Councilman Waszkiewicz seconded same:

(RESOLUTION NO. ... OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement and Memorandum of Understanding between the Town of New Hartford and *Seneca Turnpike Liquors*, 8630 Seneca Turnpike, New Hartford, NY wherein said *Seneca Turnpike Liquors* would contribute, as per the conditions of said Pre-Development Agreement, the total sum of Three Thousand Three Dollars and Ninety-six Cents (\$3,003.96) as same relates to this

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

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

Competitive Bids – Backhoe/Loader

As a follow-up to his January 21, 2004 report on bids received December 17, 2003 for a backhoe/loader, Highway Superintendent Cleveland received further quotes to upgrade the backhoe/loader to include a 4 in 1 bucket:

- Five Star - \$1800 for total net bid of \$39,115
- Tracey Road Equipment – net bid of \$43,394

Thereafter, the following Resolution was introduced for adoption by Councilman Butler and seconded by Councilman Woodland:

(RESOLUTION NO. ... OF 2004)

WHEREAS, the Town Superintendent of Highways did, on the 4th day of February, 2004, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, one (1) 2004 John Deere 310G Backhoe Loader, with an upgrade of a 4 in 1 bucket, from Five Star Equipment, Inc., 6500 East Taft Road, East Syracuse, NY, for a maximum aggregate price of Fifty-eight Thousand One Hundred Fifteen Dollars (\$58,115), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by March 25, 2004.

The Town Superintendent of Highways is authorized (subject to the approval of the County Superintendent of Highways if value exceeds \$1,000) to surrender to Five Star

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Equipment, Inc., one (1) 1998 Ford/New Holland Backhoe, VIN 114F68S0SL646389 at an agreed trade-in value of Nineteen Thousand Dollars (\$19,000).

A contract for the item purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of the item(s) purchased, the Town Supervisor shall pay the amount of Thirty-nine Thousand One Hundred Fifteen Dollars (\$39,115) from budgetary appropriations for purchase of equipment.

Upon roll call, the Town Board voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Real Property Sale - Auction

Over the past several years, the Town had attempted to sell a forty (40) foot by sixty (60) foot parcel fronting Seneca Turnpike since the Town no longer wishes to operate a sanitary sewer pump station at that site; however, bid prices were not acceptable. Upon recommendation of the Highway/Sewer Superintendent, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Backman:

(RESOLUTION NO. .. OF 2004)

RESOLVED that the New Hartford Town Board shall received sealed bids for the sale to the highest bidder a forty (40) foot by sixty (60) foot parcel fronting Seneca Turnpike, identified as the southeasterly corner of Tax Map Parcel #327.000-7-1; bids will be received until 11:00 A.M. on Wednesday, February 25, 2004 in the Town Clerk's Office, 48 Genesee Street, New Hartford, NY and shall comply with the Terms, Conditions and Description of Sale available in the aforesaid Town Clerk's Office; and be it

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

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A roll call vote was then duly held and resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Snowplowing Violation – Oxford Heights Development

Upon request of Councilman Backman, the Highway Superintendent will attempt to determine what private contractor is plowing snow in the Oxford Heights Development and blocking in the fire hydrant. The Councilman’s main concern is that the hydrant should be usable if needed.

PARKS AND RECREATION DIRECTOR:

“Quality of life” brochure

This updated brochure has been sent to area schools, the Bureau of Tourism, etc.

Park Recreation Trails – Safety Issue

Skiers and snowshoers partaking in Sherrillbrook Park’s ski trails have expressed concern with deep snow and problems with ATV vehicles. Parks crews can’t groom trails and set tracks and the Parks and Recreation Director asked the Board to consider purchasing a used snowmobile for this safety matter; funds are in the 2004 budget. After some discussion, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. ... OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Parks and Recreation Director Michael Jeffery and Councilman Backman to look at and to purchase a used snowmobile for safety purposes in the Town Park system and that the purchase price shall not exceed Two Thousand Dollars (\$2,000).

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

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The Supervisor declared the Resolution unanimously carried and duly adopted.

Training School

Upon request of the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. ... OF 2004)

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 Michael W. Jeffery, Parks and Recreation Director, to attend the New York State Parks Conference from April 25 – April 28, 2004 in Tarrytown, New York, with expenses estimated at Seven Hundred Dollars (\$700) and gasoline cost to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda items:

- *Material storage/NYSA Grant status* – the grant consultant had confirmed that the Town's NYSA grant application had been mailed to the State on February 2, 2004 and Mr. Deutch complimented and was impressed with the knowledge, input and cooperation of Town Clerk Gail Wolanin Young. O'Connell and Associates now wishes to meet with the Town Board sometime in March to determine if their services could be continued for future Town grants. Board consensus was that this company submit their proposal in writing so that the Board could review it and then meet on April 7, 2004. Steve complimented/impressed with knowledge, input and cooperation of Town Clerk

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- Administrative office layout analysis – proposal received from Heidi Worden/Hummel's; Town Board to review and check out references.
- Status of 501 C 3/New Hartford Activity Funding Foundation – Councilman Waszkiewicz confirmed that the Town Board needs to be removed from this Committee. Nathaniel Richmond reported that he had talked with almost everyone who submitted a resume that he needs to meet with the Director of Senior Services and then report to the Town Board.
- Stonebridge street sign – petition and placement – the Highway Department will install the signs, Roger Cleveland confirmed.
- Higby Road water tank update – Public Hearing on February 25, 2004 at 7 PM; Some residents were inquiring about a referendum ... the Town Clerk will consult with Bond Counsel, Thomas Myers relative to the number of signatories for a petition since this involves a district and not a town-wide expense.
- Route 12 Task Force update – The meeting was canceled due to weather.
- Ad Hoc Committee on administrative restructuring of Utica Transit Authority (UTA) meeting – Meeting held last week and it's back to the same point it was last year at this point and over the next month NYS Department of Transportation and the Planning Department will analyze various opportunities available and various structures available to other municipalities – and then discuss. Councilman Backman acknowledged hearing "... consolidation of services" – the Town hears from residents who use the bus services; the Town has an investment in the UTA and contributes \$30,000 annually for bus services; when the UTA doesn't maintain their routes, the agreement has changed – with a reduction of service the Board might consider a reduction in payment to the UTA.
- Oneida-Herkimer Counties Empire Zone Board review – provided the Town Clerk with the Zone Board schedule of meetings for any interested Town Board members. Ensure new Zone Board members and new chief of staff had clear understanding of Empire Zone and what it meant to the region; will be revamping of program. The Zone Board could have opportunity to create new map amendment in June but was their decision to table a new map amendment until after new regulations were received from Albany. The forty (40) acres will not be certified until after the new regulations are out.
- Police/Town Court facilities/Kellogg Road – Executive Session.

COUNCILMAN BACKMAN:

Chapman Road Improvements

Together with the New York State Department of Transportation and Oneida County Department of Public Works, Highway Superintendent Cleveland and Councilman Backman will host an informational meeting on Thursday, February 26, 2004 at the Ralph Perry Junior High School, Weston Road; 6:30 to 7 PM, look at presentation; 7 to 9 formal presentation.

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COUNCILMAN WOODLAND:

Constituent Complaints – ATV and Parking

The complaints received by Councilman Woodland had been referred to the Town Police Chief.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL AND OTHER ROUTINE REPORTS:

Audit of Vouchers

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

(RESOLUTION NO. .. OF 2004)

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. 6	\$ 7,743.99
General Fund Whole-Town Abstract No. 7	\$152,105.77
General Fund Whole-Town Abstract No. 8	\$ 432.00
General Fund Part-Town Abstract No. 4	\$ 60.00
General Fund Part-Town Abstract No. 5	\$ 6,735.99
Highway Fund Part-Town Abstract No. 3	\$ 72,607.02
Street Light Fund Abstract No. 3	\$ 7,858.20
Sewer Fund Abstract No. 3	\$ <u>12,338.85</u>
TOTAL:	\$ <u>259,881.82</u>

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

State Code – Fire Alarms

Quotes for fire alarms in the Kellogg Road Community Center Building ranged from Twelve Hundred Dollars (\$1200) to Seventeen Hundred Dollars (\$1700); however,

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because that building existed before the 1984 State Code, the building is “grand fathered” and isn’t required to have a fire alarm system. It’s a one-floor building with two (2) exit doors ... not really a safety issue. Fire Chief David Reynolds suggested the Town Board might want to protect the asset, particularly when its not occupied, suggesting the building be wired into Central Dispatch. The Town Board will review a quote to wire the facility into Central Dispatch versus paying a monthly monitoring fee and authorized a survey of Town buildings and consider which buildings should also be wired into Central Dispatch.

[NOTE: Attorney Rossi joined the meeting at 8:10 PM; Telecommunicator Supervisor Jeffrey Madden at 8:12 PM.]

Insurance – Snowplow/Motor Vehicle Accident

The Town Supervisor initiated discussion with the Highway Superintendent and Attorney Rossi about a snowplow-private vehicle accident in November 2003 and whether the Town – morally – should reimburse the vehicle owner since the Town’s insurance company has denied payment, claiming snowplows are emergency vehicles performing their duties (like ambulances, etc.) and are exempt from rules of the road. Police Chief Philo interjected that municipal vehicles of road maintenance are exempt from rules of the road and he’ll send a copy of this to Attorney Rossi, who will contact the Town’s insurance adjuster and report to the Town Board.

Attorney Rossi – New York Mills’ Annexations

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

(RESOLUTION NO. ... OF 2004)

RESOLVED that the New Hartford Town Board does hereby affirm its adoption of Order No. 3, Order No. 4 and Order No. 5 relative to the annexation of parcels on Clinton Street, West Drive and New Hartford Street from the Town of New Hartford into the Village of New York Mills, said Orders having been adopted and included in the minutes of the December 17, 2003 Joint Public Hearing between said municipalities.

Attorney Rossi will meet with the Town Clerk and Councilman Waszkiewicz to determine whether an election in any of the areas must be conducted. The Town Board voted upon roll call, resulting as follows:

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

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

Proposed Higby Road Water District

Discussion was held about two (2) property owners who have constructed their own water systems and whose properties are included in the proposed Higby Road Water District. Questions arose as to how these situations would be handled – whether the Town would reimburse the property owner their cost, minus depreciation , OR a dollar amount per foot being constructed, OR nothing. Councilman Backman requested that Highway Superintendent Roger Cleveland have an answer by the February 25, 2004 Public Hearing.

Assessor Committee Meeting

Attorney Rossi requested that the Assessor Committee meet within the next couple weeks to discuss certiorari proceedings with Assessor Smith.

Agreement – 2004 Emergency Dispatch Service/ Village of New York Mills

Upon recommendation of Telecommunicator Supervisor Jeffrey Madden, Councilman Woodland offered the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. ... OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between said Town and the Village of Whitesboro wherein the Town Emergency Dispatch Center will provide dispatch services to said Village during fiscal year 2004, pursuant to the terms and conditions set forth in said Agreement.

The foregoing Resolution was duly put to a vote upon roll call, resulting as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Attorney Report

Attorney Rossi reported that:

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- The Ablove zoning matter (Oneida Street, Chadwicks) is on the Town Court calendar for February 27, 2004
- The Galligano-Sears zoning matters is also scheduled for Court on February 11, 2004.

EXECUTIVE SESSION

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

(RESOLUTION NO. ... OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss existing certioraris (Sangertown) and acquisition of real estate.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	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 Clerk, were then excused from the meeting at 8:56 PM

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. ... OF 2004)

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 Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye

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Supervisor Humphreys - Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:23 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 of Councilman Butler, seconded by Councilman Woodland, the meeting adjourned at 10:25 P.M.

Respectfully submitted,

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