

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING IN SAID TOWN ON WEDNESDAY,
NOVEMBER 6, 2002 AT 7:04 P.M.**

In the absence of the Town Supervisor who was out of State, Deputy Supervisor/Councilman Backman called the meeting to order at 7:04 P.M. 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.

ABSENT: Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Sarah A. Long

OTHERS: Financial Advisor Patrick M. Tyksinski
Attorney for the Town, Vincent Rossi, Jr.

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

PUBLIC HEARING

7:05 P.M.

2003 PRELIMINARY BUDGET

The Deputy Supervisor/Councilman Backman opened the Public Hearing at 7:05 P.M., stating that the Preliminary Budget represents the collaborated work of all members of the Board, the Bookkeeper and Department Heads. This Budget took many hours of time and effort and he thanked all those who had been involved. Town Clerk Gail Wolanin Young presented the Notice of Public Hearing, Proof of Publication and Affidavit of posting. The Deputy Supervisor offered the apology from the Town Supervisor who was absent because of a prior engagement; Deputy Supervisor Backman read a letter from the Supervisor who stated his support for the adoption of the Budget that he believes to be economically sound.

Deputy Supervisor Backman inquired if anyone present wished to speak in favor or, in opposition to, or to comment upon the 2003 Preliminary Budget. Those coming forth were:

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- Senior Account Clerk/Typist Michelle Moran
- Senior Clerk Amy Topor

who were seeking pay increases above three percent (3%), cited their length of employment with the Town, their acquired skills, and an itemization of their qualifications, their daily and extra duties and their potentially hazardous environment. The Deputy Supervisor thanked them, noting that the Town appreciates their good work and that their request will be discussed and considered.

- No one further came forth to speak on the Budget.

The Town's Financial Advisor Patrick Tyksinski reviewed the Budget Summary and the projected Whole-Town General Fund tax rate of \$2.05 per thousand of assessed valuation, an increase from \$1.96 in 2002; the \$2.05 tax rate will generate \$72,000 in revenue. He reviewed the special assessments and tax rates for sewer, water, lighting and fire districts. Mr. Tyksinski stated that he had reviewed this budget with the County and the Town Supervisor and he also feels that this is an appropriate budget. The Deputy Supervisor said it's never easy to request more money from the Town's residents but it's necessary to help maintain the Town's operations; also, the economic climate of the whole country is saddled with the idea of a possible war.

Board discussion included:

- the revenues and mortgage taxes that would arise from the Consume Square and the Orchard project
- Town Board Consulting Service Fees of \$12,000
- Bond vs current appropriations to pay for road paving
- proposed reduction of fund balance versus eliminating seven cent tax adjustment
- \$400,000 line item for paving does include Sessions Road
- concurrence to eliminate \$100,000 from paving project and pay difference from fund balance; concurrence to change line item DB5112.4 to \$300,000 and change the fund balance appropriately
- review Ms. Topor and Ms. Moran's request for a wage increase and consider how to handle the well compensated
- number of employees who should be considered for salary adjustments – wage inequities
- sewer tax reduction – 96% of parcels are within a sewer district
- parcels in former Woodberry Sewage Disposal private sewer system were intended to be included in Consolidated Sewer District but inadvertently omitted; as a result, concurrence to pare revenue out and adjust the capital fund assignment – sewer tax rate remains \$.4625 per one thousand assessed valuation.
- Attorney Rossi working on correcting Woodberry Sewer matter with aim that Woodberry Sewer property owners would pay their pay share of sewer tax

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- Advisor Tyksinski says adjustment to take out or not to anticipate the revenue for Woodberry sewer parcels; if it is determined the Town can amend the tax bills this year, the Town Board will process them
- Advisor Tyksinski - only item the Budget doesn't reflect with the Woodberry parcels, the district would be charge \$.4625 plus ad valorem charge and also charged a sum for the reduction of debt to purchase the system (\$21.25) per parcel; 203 parcels involved; reference was made to the September 15, 1999 Order for Public Hearing to include the Woodberry area in the Town's Consolidated Sewer District, citing an annual cost of a typical parcel to be \$141.52.

There being no one further to speak on the 2003 Preliminary Budget, the Deputy Supervisor declared the Public Hearing closed at 7:49 P.M.

2003 Budget Adoption

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

(RESOLUTION NO. 428 OF 2002)

WHEREAS, a Public Hearing was duly held on November 6, 2002 to consider the adoption of the 2003 Preliminary Budget; and

WHEREAS, simultaneously, Public Hearings were held to consider establishing the 2003 ad valorem rates for the various light, water and fire districts and the examination of the Special Assessment roll for the 2003 unit charges for benefit areas;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby adopt the 2003 Preliminary Budget, as revised, as the 2003 Annual Budget as set forth in Schedule "A" annexed hereto and made a part of this Resolution.

A roll call was duly held and resulted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Nay
Councilman Butler	-	Aye
Councilman Backman	-	Aye
(Supervisor Humphreys	-	ABSENT).

The Resolution was declared carried and duly adopted.

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MINUTES:

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. 429 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **August 21, 2002** 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	-	ABSENT).

The Resolution was declared unanimously carried and duly adopted.

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

(RESOLUTION NO. 430 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held on **August 27, 2002** and does further waive the reading of the same:

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED, because he
had not attended this meeting		
Councilman Butler	-	Aye
Councilman Butler	-	Aye
(Supervisor Humphreys	-	ABSENT).

The Resolution was declared carried and duly adopted.

It was the Board's consensus to **table action** on the **September 4, 2002** Town Board minutes until the next meeting.

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Kim Philo	Supervising Lifeguard	\$ 8.25/hr
Mary Carol Karl	Lifeguard	\$ 7.35/hr
Kathryn Karl	Lifeguard	\$ 7.35/hr
Jenna Humphreys	Lifeguard	\$ 7.35/hr
Ryan McAardle	Lifeguard	\$ 7.35/hr
Bryce Lamberto	Lifeguard	\$ 7.35/hr
Jenna Marchetta	Sub Lifeguard	\$ 7.35/hr
Paul Manfredo	Sub Lifeguard	\$ 7.35/hr

A7020.14 Rec Center

Carson Cunningham	Sub. Ice Attendant	\$ 5.65/hr
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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	-	ABSENT).

The Resolution was declared unanimously carried and duly adopted.

Appointment – Full-time Recreational Maintenance Worker

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

(RESOLUTION NO. 432 OF 2002)

WHEREAS, a vacancy has existed since August 1, 2002 in the Parks and Recreation Department’s full-time Recreational Maintenance Worker position No. 1 due to the resignation of Justin Gehringer; and

WHEREAS, Kevin Noggle had been appointed to fill the vacancy on October 2, 2002 but subsequently declined appointment to this position;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby appoint Michael Natale, of 9691 Pinnacle Road Sauquoit, NY, to fill said vacancy at the hourly wage of \$10.65, payable bi-weekly, with fringe benefits; said appointment is retroactive to November 14, 2002.

Deputy Supervisor Backman polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

2002 Budget Transfer

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

(RESOLUTION NO. 433 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the following budgetary adjustments to cover the cost of playground equipment installed in 2002:

REVENUES

Increase A30890- State Aid/Playground Equipment	\$15,000.00
Increase A20890- Herkimer Oneida County Grant	<u>\$ 7,000.00</u>
Total	\$22,000.00

APPROPRIATIONS

Increase A7140.2 Equipment- Playground	<u>\$22,000.00</u>
Total	\$22,000.00

REVENUES

Decrease A7270.4 Band Concerts	\$ 4,200.00
Decrease A7140.4 Playground Contractual	<u>\$ 8,550.00</u>
Total	\$12,750.00

APPROPRIATIONS

Increase A7140.2 Playground Equipment	<u>\$12,750.00</u>
Total	\$12,750.00

A roll call vote ensued:

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

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(Supervisor Humphreys - ABSENT).

The Resolution was declared unanimously carried and duly adopted.

HIGHWAY SUPERINTENDENT:

Pre-Development Agreement & Memorandum of Understanding – The Orchards

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

(RESOLUTION NO. 434 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement between the Town of New Hartford and The Orchards, Clinton Street, New Hartford, NY wherein said Orchards would contribute, as per the conditions of said Pre-Development Agreement, the total sum of Eight Hundred Fifteen Thousand Fifty-two Dollars (\$815,052) as same relates to this development within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary and which development had been approved by the Town Planning Board in October 2002.

The Resolution was voted upon by roll call as follows:

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

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

Underground Facilities Protection Organization (UFPO)

The Highway Superintendent will keep the Board apprised of the UFPO's demand for a separate FAX line.

Sewer lateral blockage - Merritt Place

A Merritt Place resident tried to clean out his sewer lateral after a blockage several times before contacting the Town. According to the Highway Superintendent, had the Town been contacted initially, the Town would have been able to determine the location of the blockage thereby negating the need for the homeowner to incur \$426 for three service calls from a private contractor. While the homeowner is requesting reimbursement in the amount of \$426, the Highway Superintendent recommended reimbursement of only the

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first service call totaling \$135.90; thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 435 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct a settlement in the amount of One Hundred Thirty-five Dollars (\$135) in consideration for full release against said Town and its officers, for any and all claims Anthony Manfredo, 179 Merritt Place, may have suffered as a result of a sewer line blockage within the Town's highway right of way.

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	-	ABSENT).

The Resolution was declared unanimously carried and duly adopted

Competitive Bid - Change Order/Sanger Public Works Garage Roof

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

(RESOLUTION NO. 436 OF 2002)

WHEREAS, it was found that there were some roof drains on the Sanger Public Works Garage that needed to have roto roter service to make them operable again; and

WHEREAS, Pulver Roofing, low bidder of the Sanger Public Works Garage Roof Project, has quoted an additional charge of Seven Hundred Twenty Two Dollars (\$722.00) for the removal of any existing asbestos to repair the needed roof drains;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute Change Order No. 1 with Pulver Roofing for an additional sum of Seven Hundred Twenty-two Dollars (\$722) to repair the roof drains on the Sanger Publics Work Garage Roof.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted

“Blind Child” Signs - Relocation

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

(RESOLUTION NO. 437 OF 2002)

WHEREAS, several years ago two (2) **BLIND CHILD** signs had been erected on Cone Circle for the Chruscicki family; and

WHEREAS, the Chruscicki family has now moved to a residence on Mallory Road;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to relocate the two (2) **BLIND CHILD** advisory signs on Cone Circle to the vicinity of the Chruscicki residence on Mallory Road.

The foregoing Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted

Stormwater Improvements – Pleasant Street

When Waterford Heights was being constructed, the homes on the south side of Pleasant Street in the Town were connected to the City of Utica drainage system since Utica owns Pleasant Street (including a road right of way). The City of Utica is now reconstructing Pleasant Street including improvements to their drainage system; the City has executed a contract for about \$42,000 for Stormwater Management Improvements and has asked the Town to consider contributing to the upgrade since it benefits Town residents also. Of the \$42,000 project, they were asked to analyze benefits to the Town. The Highway

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Superintendent responded that about \$9,000 would be an appropriate amount and he noted that this contribution could be paid from the Town's existing Stormwater Capital Program. No action was taken at this time.

S & D Enterprises

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

(RESOLUTION NO. 438 OF 2002)

WHEREAS, S & D Enterprises has installed the air-handling system in the Jerome K. Madden Justice Building and the Sanger Public Works Garage; and

WHEREAS, the Highway Superintendent has received quotes for the annual maintenance of the air-handling systems in the aforesaid buildings;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into an Agreement with S & D Enterprise for the annual maintenance of the aforesaid buildings at a cost not to exceed Six Hundred Dollars (\$600); said maintenance shall include two visits per year, per building including changing filters and the like.

Deputy Supervisor Backman asked for a vote upon roll call:

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

The Resolution was declared unanimously carried and duly adopted

"Slow – Children At Play" Sign - Homestead Road

A Homestead Road resident has requested placement of a "slow...children playing" sign; the Highway Superintendent will perform an on-site inspection with Police Chief Philo.

Retirement - Ronald Wehrle/Highway Department

Highway Superintendent Cleveland announced that Ronald Wehrle had retired as of October 31, 2002. The Town Board asked the Town Clerk to send a letter of appreciation to Mr. Wehrle thanking him for his many years of service.

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Passing Zone/Speed Limit Sign - Oneida Street

Deputy Supervisor Backman inquired if the Highway Superintendent would perform an on-site inspection of the 3800 block of Oneida Street and determine whether the passing zone/speed limit sign can be realigned.

TOWN CLERK:

Raffle Consent- American Red Cross

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

(RESOLUTION NO. 439 OF 2002)

RESOLVED that the New Hartford Town Board does hereby grant permission to the American Red Cross, an organization duly granted a Games of Chance Identification number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown 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 Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

Oneida County Association Dinner Meeting

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

(RESOLUTION NO. 440 OF 2002)

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;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to any interested Town Official interested in attending the November 19, 2002 Oneida County Association of Towns Dinner & Meeting at Unity Hall in Barneveld, 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	-	ABSENT).

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY

COUNCILMAN WASZKIEWICZ:

Police and Courts Facilities

Councilman Waszkiewicz believes the Town should give consideration to relinquishing the Kellogg Road Community Center Building for use by the Police Department and conduct Town Board meetings at another location, such as the recently renovated Community Meeting Room of Butler Memorial Hall. Discussion included the pros and cons of this proposed arrangement. Councilman Waszkiewicz will contact the Village of New Hartford to determine availability of Butler Memorial Hall for Town Board meetings.

Stormwater Management - Ney Ave

There will be a meeting on Monday November 11, 2002 at Utica College regarding the stormwater problems that are being mitigated in the area of Ney Avenue.

Website Updates

Janice O'Sullivan has uploaded on the Town's Website the approved Town Board minutes from January 1, 2002 through August 27th, 2002. It is the Board's consensus to keep minutes on the Website for one (1) year and then drop off the oldest set of minutes as recent minutes are added.

Agricultural District - Definition

The Assessor provided a map of the "agricultural districts" and had contacted four (4) Real Estate agents to determine how they implement agricultural notification to prospective property owners; no responses have been received. The Assessor's definition

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of an “ag” district is what Real Estate agents are supposed to use. “Ag” districts do not apply to the Village of New Hartford, as there is no agricultural land within those boundaries.

MATTERS SUBMITTED BY THE DEPUTY TOWN SUPERVISOR:

AUDIT OF BILLS

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

(RESOLUTION NO. 441 OF 2002)

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 that have been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 39	\$ 105,803.21
General Fund, Part-Town Abstract No. 26	\$ 32,490.50
Highway Fund Whole-Town Abstract No. 8	\$ 13,278.47
Highway Fund Part-Town Abstract No. 30	\$ 20,380.67
Street Light Fund Abstract No. 12	\$ 20,369.00
Sewer Fund Abstract No. 31	\$ 5,488.69
Drainage Capital Project Abstract No. 5	\$ 6,745.12
Sanger Public Works Garage Roof Abstract No. 1	\$ <u>110,000.00</u>
TOTAL:	\$ 314,555.66

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

PAYMENT IN LIEU OF HEALTH BENEFITS

Discussion ensued about the process and level of payment to employees who opt out of health insurance coverage with the Town; the matter was tabled until the November 20, 2002 Town Board meeting when the Town Supervisor will be present.

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EXECUTIVE SESSION

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

(RESOLUTION NO. 442 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Ezzo certiorari (assessment) proceeding brought against the Town of New Hartford..

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy, were then excused from the meeting at 9:15 P.M.

[NOTE: The following transcription was provided by Councilman Woodland on Thursday, November 7, 2002:]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 443 OF 2002)

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	-	ABSENT).

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The Deputy Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 9:23 P.M. The regular portion of the Town Board meeting was reconvened at 9:23 P.M.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Butler and seconded by Councilman Woodland, the meeting adjourned at 9:23 P.M.

Respectfully submitted,

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

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