

**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, JULY 2, 2003 AT 7:02 P.M.**

The Town Supervisor called the meeting to order at 7:02 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 Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

ABSENT: Councilman David W. Butler

OTHER TOWN OFFICIALS: Deputy Highway Superintendent Anthony DeCuffa
Director of Senior Services M. Eileen Spellman
Parks & Recreation Director Michael Jeffery
Police Chief Raymond Philo
Telecommunications Supervisor Jeffrey Madden
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Nancy E. Kneller

OTHERS: Attorney for the Town, Vincent Rossi, Jr

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

MINUTES

Action on the June 18, 2003 Town Board minutes was deferred.

PUBLIC PRESENTATIONS

Tentative Appointment – Seasonal Student Worker/Accounting & Personnel offices
Shirley Riggles, 18 Golf Ave., New Hartford had contacted some local schools that would be interested in having students apply for seasonal employment, but they have no list of students currently.

REPORTS OF TOWN OFFICIALS

POLICE CHIEF:

Reimbursement - Bullet-proof Vests

Police Chief Philo confirmed that the Town had been reimbursed the sum of Five Thousand One Hundred Sixty Dollars and Seventy-seven Cents (\$5160.77) from the U.S. Department of Justice for police officers' bullet-proof vests.

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 2

HIGHWAY SUPERINTENDENT:

Agreement – Update Street and Sidewalk Standards (Chapter 102 of the Code)

In behalf of the Highway Superintendent who was on vacation, Deputy Highway Superintendent DeCuffa presented a proposal to update the street and sidewalk standards in the Town Code. Alan Swierczek, P.E. would perform the work at a cost not-to-exceed Seven Hundred Dollars (\$700). The Town Board will consider this at a future Board meeting.

Authorization for Competitive Bid – New Pick-up Truck

Upon request of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution and moved its adoption, which was seconded by Councilman Woodland:

(RESOLUTION NO. 244 OF 2003)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of one (1) new 2003 or 2004 Pick-up Truck, in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Friday, July 25, 2003 and then shall be publicly opened and read aloud at 11:00 A.M. on said date in the Community Meeting Room of Butler Memorial Hall; and be it

FURTHER RESOLVED that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

Supervisor Humphreys stressed that the bid specifications must state “or equal”. Thereafter, a roll call vote was duly held and resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Advisory Sign – Unlawful Dumping

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

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 3

(RESOLUTION NO. 245 OF 2003)

WHEREAS, there have been numerous complaints of unlawful dumping of debris along Woods Highway in the Town of New Hartford;

THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to erect one (1) NO DUMPING sign (with the appropriate fines printed on the sign) on the curb of the Woods Highway intersection with NYS Route 5 (Seneca Turnpike).

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Curbside Trash Collection Program - Violations

Multi-family residences at 9359 and 9367 Elm Street, Chadwicks are in violation of the curbside trash collection policy and the Town Highway Department has been in communication with the new owners of each property. The owner of 9359 Elm Street has assured Deputy Superintendent DeCuffa that by noon on Thursday, July 3, 2003 the pile of debris would be removed. The owner of 9367 Elm Street hasn't picked up his certified mail yet and the Town Codes Department is preparing to refer the matter to Town Court.

ASSESSOR:

Salary Increase – Board of Assessment Review (2003 Grievance Day)

Because the Board of Assessment Review had more than doubled their hours worked during the 2003 Grievance proceedings, Assessor Smith recommended an adjustment in their annual wage for 2003. After Board discussion, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 246 OF 2003)

RESOLVED that the New Hartford Town Board does hereby increase the 2003 annual salary of the Chairman and four (4) members of the Board of Assessment Review by the

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 4

sum of Three Hundred Dollars (\$300) for fiscal year 2003 only, based upon the increased number of hours required during the 2003 Grievance Day proceedings; and be it

FURTHER RESOLVED that the aggregate salary increase, totaling Fifteen Hundred Dollars (\$1500) shall be paid from the Whole-town General Fund Contingency Account.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Agreement – Annual Reassessment Program for 2003-2004

The Assessor Committee and Assessor Smith had met last week with *Maxwell Appraisal Services* relative to a final proposal for reassessing during the 2003-2004 year, including changes the Town had requested. After discussion, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 247 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept the 2003-2004 Annual Reassessment proposal submitted by *Maxwell Appraisal Services* at a cost not-to-exceed \$45,000, said proposal to include the following responsibilities:

Contractor:

- Review all parcels assessments in the Town of New Hartford
- Field review all current sales
- Field review at least 1,600 parcels
- Mailing out of Data Mailers
- Update assessments according to six-year plan
- Review all necessary Valuation Sheets for subject properties
- Clerical work includes Data Entry Changes, Valuation Update, new photos, etc.
- Informals for all assessments changes made by contractor
- Four (4) weeks of clerical to answer phone and to print out information for property owners
- Informals on one Saturday and an evening
- Sufficient staff or days to accommodate all Informal Hearings

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 5

- Mailing out of Assessment Change Notices, to include a cover letter explaining the process

Town of New Hartford:

- Mass mailing to all property owners in Fall 2003 to inform property owners
- Phone line and space needed for Informal Hearings
- Adequate access to computer terminals.

and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and directed to execute the aforesaid Agreement with ***Maxwell Appraisal Services.***

The Board members were polled individually and voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Real Property Tax Law – Parent/Grandparent Exemption

Discussion ensued about a parent/grandparent exemption to real property; specifically, a property owner could, after fiscal year 2000, make improvements to their home for occupancy by their parents/grandparents; however, the exemption cannot exceed Twenty Percent (20%) of the value of the residence. The matter was tabled until Supervisor Humphreys determines what action the New Hartford Central School Board and Oneida County Legislature might take.

DIRECTOR OF SENIOR SERVICES:

“Senior Citizen” Picnic

Director M. Eileen Spellman announced that a “Senior” picnic would be held at Sherrillbrook Park on Wednesday, July 23, 2003 from 11:00 A.M. until 1:00 P.M. and she encouraged Town Officials to attend.

PARKS AND RECREATION DIRECTOR:

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 6

Appointments – Part-time Seasonal Summer Employees

Parks and Recreation Director Michael Jeffery reported that one recent appointee had declined employment with the Town and five (5) seasonal positions need to be filled. Councilman Woodland offered the following Resolution for adoption and Councilman Waszkiewicz seconded same:

(RESOLUTION NO. 248 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, commencing June 30, 2003 and ending mid-August 2003; all wages to be paid bi-weekly:

NAME	POSITION	RATE OF PAY
Jeffrey Lenard	Director, Higby Road Playground	\$ 9.92/hour
Devin Clive	Recreation Attendant, Higby Road	\$ 5.78/hour
Lauren Harrigan	Dance Instructor	\$10.00/hour
Nicole Grande	Dance Instructor	\$10.00/hour
Marissa Sarcone	Dance Instructor	\$10.00/hour
Alexis Beck	Substitute Evening Lifeguard	\$ 7.36/hour

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Southern Reservoir – Passive Recreation

It is anticipated that Parks and Recreation Director Michael Jeffery and other area representatives will finalize a plan for recreational activities at the Valley View Road area Southern Reservoir and reach quasi approval by mid-July 2003.

[NOTE: Telecommunications Supervisor joined the meeting at 8:16 P.M.]

Southern Reservoir – Pump Station Improvements

The Mohawk Valley Water Authority, formerly known as the Upper Mohawk Valley Regional Water Board, is updating the 40-year old pump station on Valley View Road. To alleviate neighboring residents’ concerns, the Water Authority has incorporated

several additional site screening features, which include dark vinyl fence fabric, five (5) 4-

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 7

foot tall cedar shrubs in selected areas, and two (2) 10-foot tall trees (yet to be installed) between the residences and the station.

PERSONNEL:

Tentative Appointment – Seasonal Student Worker

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

(RESOLUTION NO. 249 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint Allison Back as a Seasonal Student Worker (temporary) in the Accounting Department, commencing Monday, July 3, 2003 and ending Friday, August 29, 2003, at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

Discussion ensued and it was confirmed that the Oneida County Personnel Department had pre-approved Ms. Back’s employment application. Thereafter, the Town Board voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

TELECOMMUNICATIONS SUPERVISOR:

Jeffrey Madden was present but had no report.

POLICE CHIEF:

Higby Road School Traffic Officer, Part-time

Upon request of the Town Supervisor, Chief Philo will determine whether the Part-time School Traffic Officer at the Hughes Elementary School, Higby Road, is retiring this year.

Placement of STOP Signs - Bradley & Forest Road

Police Chief Philo and Highway Superintendent Cleveland will meet with Robert Payne, 5 Forest Road, to review State standards and the rationale for denial of his request to

move the STOP sign from Bradley Road to Forest Road; Councilman Backman may also join the meeting.

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 8

[NOTE: Attorney for the Town, Vincent Rossi, Jr. joined the meeting at 8:29 P.M.]

Trespassing – Judd Road Connector right of way

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

(RESOLUTION NO. 250 OF 2003)

WHEREAS, the Town of New Hartford has received several complaints from residents near or around the new Judd Road Connector right-of-way, between the NYS Route 8 (Sauquoit Valley) Arterial and Clinton Street, involving vehicular traffic utilizing said right-of-way to possibly by-pass the busy Hapanowicz intersection (New Hartford Street-Clinton Street-Burrstone Road); and

WHEREAS, the Town Police Department has performed on-site inspections of the Judd Road Connector right-of-way and have found some indications of vehicular travel along this area;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby request the New York State Department of Transportation to consider erecting a “NO TRESPASSING” sign at the Judd Road Connector right-of-way, opposite the Ramada Inn, to alert motorists and to enable the Police Department to take appropriate action against persons who are unlawfully on said right-of-way.

The Police Chief and Town Clerk will draft a letter to be forwarded to the New York State Department of Transportation. Thereafter, the Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

TOWN CLERK:

Raffle Consent

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

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 9

(RESOLUTION NO. 251 OF 2003)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Boilermaker Road Race, Inc., 114 Genesee Street, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Health Insurance, Part-time Dispatchers

Supervisor Humphreys explained to Telecommunications Supervisor Jeffrey Madden the criteria part-time employees need to meet in order to qualify for health insurance under the Teamsters health plan (i.e., 36 days per quarter to qualify and most people wouldn't exceed 20 hours a week – would be paying for something from which they couldn't collect). The Supervisor and Personnel Assistant anticipate receiving clarification from Teamsters as to whether a 4-hour workday constitute a full day's work.

MATTERS SUBMITTED BY TOWN ATTORNEY AND COUNCILMEN

ATTORNEY ROSSI:

Contingent Award – Competitive Bid/Agreement for Bituminous Concrete Paving

After canvassing bids received in June 2003 for Bituminous Concrete Paving of Town roads, it was determined that all bids complied except for one small detail (i.e., a technical point on the “umbrella” insurance; Attorney Rossi will meet with Deputy Highway Superintendent DeCuffa on this matter. Thereafter, the following Resolution

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

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 10

(RESOLUTION NO. 252 OF 2003)

WHEREAS, the Deputy Town Superintendent of Highways did, on the 2nd day of July, 2003, duly recommend the purchase of road paving 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, the following, **CONTINGENT UPON RESOLUTION OF AN INSURANCE QUESTION AND APPROVAL BY ATTORNEY ROSSI:**

- Bituminous Concrete Paving per the unit prices submitted by **BARRETT PAVING MATERIALS, INC**, P. O. Box 400, Washington Mills, NY, the low bidder, for a maximum price of Two Hundred Fifty-four Thousand Five Hundred Dollars and Forty Cents (\$254,500.40); about Two Hundred Nine Thousand Seven Hundred Sixty-five Dollars and Forty Cents (\$209,765.40) is for the paving of Town roads and the remainder is for paving to be delivered and installed at various locations in the Villages of New Hartford and New York Mills, all of which entities shall reimburse the Town of New Hartford for such paving within their separate jurisdictions under this project.

A contract for the item(s) 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 Two Hundred Nine Thousand Seven Hundred Sixty-five Dollars and Forty Cents (\$209,765.40) from budgetary appropriations for purchase of road paving.

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 11

Bituminous Concrete Paving Bids – Bid Specification Deposit/Bid Security

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

(RESOLUTION NO. 253 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to refund the Twenty Dollar (\$20) bid specification deposits submitted for the Bituminous Concrete Paving project by Ocuto Blacktop Paving Co., Inc., Hanson Aggregates, and Barrett Paving Materials, Inc., all of which have returned the bid document packages within the prescribed time; and be it

FURTHER RESOLVED that, upon final approval of Attorney Rossi as set forth in Resolution No. 252, the New Hartford Town Board does hereby authorize and direct the Town Clerk to return the Bid Bonds submitted by Ocuto Blacktop Paving Co., Inc. and Hanson Aggregates, the unsuccessful bidders.

The foregoing Resolution was voted upon by roll call:

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

The Resolution was declared unanimously carried and duly adopted.

Proposed Tibbitts-Snowden Hill Road Water Project

Supervisor Humphreys will forward a communication to Congressman Sherwood Boehlert, seeking additional consideration for funding of the proposed Tibbitts-Snowden Hill Road Water project.

Proposed Higby Road Water Project

Supervisor Humphreys acknowledged that the Town of New Hartford was successful in receiving a loan for approximately Three Million Nine Hundred Thousand Dollars (\$3,900,000), with Zero Percent (0%) interest. Burley-Guminiak has indicated the Town needs to secure the land before the Town can proceed further.

Curbside Trash Collection

A lengthy discussion was held relative to the continued violations of the Town's Trash Collection program at 9359 Elm Street and 9367 Elm Street [NOTE: Refer to minutes of June 18, 2003 Town Board meeting and Page 3 of the July 2, 2003 Town Board minutes]. The Deputy Highway Superintendent confirmed that the Highway Department has

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 12

photographs of the debris piles which covers an approximate fifteen (15) feet of sidewalk, creating a safety issue for pedestrians who are forced to walk in the road. Consensus of the Town Board was that, if the Town does not receive the signed certified mail delivery receipt by 12 Noon on Thursday, July 3, 2003 from the owner of 9367 Elm Street, the Town Highway Department is to clean up and haul the debris away, keeping track of hours involved for equipment, labor and tipping fees and then pursue the matter through Town Court. Attorney Rossi assured the Board that the Town could be reimbursed for the Town's time and expense in removing the debris.

Recess

The Town Board recessed at 9:01 P.M. for a five-minute break

COUNCILMAN BACKMAN:

Personnel Exit Interviews

Recently, it came to Councilman Backman's attention that exit interviews are not always being conducting, including information on three (3) months of insurance after the employee leaves. He requested clarification that exit interviews will be done by the Personnel Assistant, in accordance with the Employee Manual, unless of course, the employee quits and leaves without notice. If office keys are to be returned, the Department Head can prepare a check list for keys, manuals, etc. and convey this information to the Personnel Assistant. The Town Clerk will send a reminder to the Personnel Assistant that exit interviews are required and further send notice to Department Heads that the Personnel Assistant is required to conduct exit interviews.

Update Web Site

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

(RESOLUTION NO. 254 OF 2003)

RESOLVED that the New Hartford Town Board does hereby enter into an Agreement with James and Cathy Lawrence, 67 Imperial Drive, New Hartford, New York who will update the Town's Web Site for a not-to-exceed annual cost of Five Hundred Dollars (\$500). Said update shall be funded either through the Whole-Town General Fund Contingency Account or the Whole-Town General Fund Central Data Processing Account.

The foregoing Resolution was voted upon roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 13

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Town Board Meetings – Return to Kellogg Road Community Center Building

(Defeated)

A citizen in the audience recommended that the Town Board meetings be conducted at the Kellogg Road Community Center Building versus Butler Memorial Hall where it was alleged the parking is burdensome, the lighting and security minimal and the general position of Butler Memorial Hall being unsatisfactory. It was agreed the interior lighting is better, however. After some discussion, Councilman Backman moved that the Town Board amend its Rules of Procedures so that all future Town Board meetings, effective August 2003 will be held at the Kellogg Road Community Center Building; there was no second to the motion which died.

COUNCILMAN WASZKIEWICZ:

Review of Agenda Items

- Bob Dudley information/material storage specialist will contact the Town Clerk, Police Chief, Codes Enforcement Officer and Planner by the first part of August
- Zoning Board of Appeals recommendation on posting of sign notification – Chairman Green is reviewing this matter
- Subdivision regulations and green space – Chairman Yagey will be sending the Planning Board recommendation
- Sewer extension plan – the Highway/Sewer Superintendent has met with Canastota consultants and information is expected for the July 16, 2003 Town Board meeting
- Residents have been subjected to personal discomfort (physical and visual) Higby Road Pumping station update – exhaust fumes into residents' homes. Attorney Rossi researched and the Mohawk Valley Water Authority is not subject to the Town's zoning and building codes. Attorney Rossi stated the Town can't prevent or tell them where to place their water facilities; however, the Water Authority is subject to SEQR. While the Water Authority may have the right to erect a pump station, they may not necessarily be able to place it where they want – exhaust fumes and noise being bothersome to residents. The Town may have some power to regulate them; certainly the State Department of Environmental Conservation does.
- The ARC (proposed residential facility at 7 Wheatley Circle) – with the Town Board's approval, Councilman Waszkiewicz sent a letter suggesting two (2) alternative locations. The ARC responded, addressing both alternative sites as

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 14

well as their approval process reassuring Councilman Waszkiewicz and the Town that The ARC has done due diligence and there is not an issue regarding a one-entrance street such as Wheatley Circle. Councilman Waszkiewicz will send a copy of The ARC's letter to the Wheatley Circle residents.

- NYM annexation process – with Mayor Maciol, completed door to door of all properties in question. Overall – go ahead with annexation of all the parcels. If there's a way to write petition and keep it as three separate issues in case resident has a change of heart. Vince says would need three (3) separate petitions, 3 hearings, 3 metes and bounds, etc. Since County is abandoning Clinton Street, the Town has responsibility to provide services to 10 residents. Discussion.
- Route 5 – the State Department of Transportation says there are not adequate numbers to warrant a traffic signal at Route 5 (Seneca Turnpike) and Applewood Boulevard and John Barkett, Jr. has been asked to notify the Town Board when Applewood Mobile Home Community has reached 90% of development
- Route 12 Task Force - meeting on July 8, 2003 to crystallize how to get appropriate zoning for the corridor so that land use plans of each county along the way will mirror the improvements that may be implemented
- Is comparing Town taxes with 4 other municipalities; Town Supervisor pointed out that one Town (Colonie) has a population of 75,000. New Hartford's is about 21,500.
- GEIS – he will meet with the Town Planner, Oneida County Planning Commissioner, Oneida County Department of Public Works Commissioner and the Town Planning and Zoning Board Chairmen to make sure that whatever we might do has enough "buy in" from the County, as the involved roads are County roads.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 255 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, but to hold the check payable to **DIGGER DAN**:

General Fund, Whole-Town Abstract No. 21	\$ 177.80
General Fund, Whole-Town Abstract No. 22	\$ 46,842.41
General Fund, Part-Town Abstract No. 18	\$ 38,033.47
Highway Fund, Part-Town Abstract No. 15	\$ 29,922.82

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 15

Highway Fund, Part-Town Abstract No. 16	\$ 146.42
Sewer Fund Abstract No. 10	\$ 24,447.17
Street Light District Abstract No.9	\$ 6,636.37
Drainage Capital Project Abstract No. 9	\$ 1,058.08
Fire Districts Abstract No. 3	\$ 51,787.32
Salt Storage Barn Capital Abstract No. 3	\$ <u>85,700.00</u>
TOTAL:	\$284,751.86

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted

Declaratory Action – School Traffic Officers, Part-time

Attorney Rossi had sent the Town Board a synopsis of the rule. He had also attended the June 2003 Police Commission meeting, explaining the situation to them and also to the School Traffic Officers – the Town does not object to these employees, but Town Law (statutory) prohibits the Town from paying them because they work in a Village. After some discussion, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 256 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Attorney for the Town, Vincent J. Rossi, Jr., to commence a Declaratory Action for the Court’s interpretation of state law as to the legality of a Town paying School Traffic Officers who work wholly within a Village.

Attorney Rossi will prepare the draft form for presentation at the July 16, 2003 Town Board meeting. Thereafter, the Board was polled individually as follows:

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

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 16

The Resolution was declared unanimously carried and duly adopted.

Police Taxing District

Harry Willis, State Comptroller's Office, had told Supervisor Humphreys that a police-taxing district could be accomplished under current law. Attorney Rossi is preparing a letter for Mr. Willis to review and comment upon.

Retirees Dental Insurance – George Peck

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

(RESOLUTION NO. 257 OF 2003)

WHEREAS, in the late 1980's, former Police Chief George Peck had negotiated a retirement package with the Town to include health insurance, which at that time included dental coverage; and

WHEREAS, effective January 1, 2003, the Town's health insurance coverage for non-union employees/retirees had been changed to the Teamsters health insurance plan which does not offer dental insurance to retirees;

NOW, THEREFORE, BE IT RESOLVED that, after discussing the matter with George Peck, the New Hartford Town Board does hereby agree to pay the actual dental expenses for George Peck and his wife at a total cost not-to-exceed Twelve Hundred Dollars (\$1200) for the two (2) individuals per year, effective July 1, 2003; or upon demise of either George Peck or his wife, the Town shall pay a total cost not-to-exceed Six Hundred Dollars (\$600) for actual dental expenses of the surviving spouse until his/her demise.

The Supervisor polled the Board members who voted as follows:

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

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

Retirees Dental Insurance – James Roselli

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

REGULAR TOWN BOARD MEETING
July 2, 2003
Page 17

(RESOLUTION NO. 258 OF 2003)

WHEREAS, in the late 1980's, former employee James A. Roselli had negotiated a retirement package with the Town to include health insurance, which at that time included dental coverage; and

WHEREAS, effective January 1, 2003, the Town's health insurance coverage for non-union employees/retirees had been changed to the Teamsters health insurance plan which does not offer dental insurance to retirees;

NOW, THEREFORE, BE IT RESOLVED that, after discussing the matter with James Roselli, the New Hartford Town Board does hereby agree to pay Mr. Roselli, in lieu of dental insurance, the sum of Thirty-two Dollars (\$32) per month for two (2) years commencing July 1, 2003 and ending June 30, 2005.

Attorney Rossi will prepare the settlement agreements with George Peck and James Roselli for their execution. Upon roll call, the Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT
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. 259 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss labor negotiations.

A roll call vote ensued:

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

REGULAR TOWN BOARD MEETING

July 2, 2003

Page 18

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 10:17 P.M. Attorney Rossi remained for the Executive Session.

[NOTE: the Town Supervisor provided The following transcript on July 3, 2003.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 260 OF 2003)

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

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

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:39 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 Waszkiewicz, the meeting was adjourned at 10:40 P.M.

Respectfully Submitted,

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