

**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, NOVEMBER 5, 2003 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials 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
Dispatch Telecommunicator Supervisor
Jeffrey Madden (arrived at 8:48 P.M.)
Highway Superintendent Roger A. Cleveland
Planner Kurt L. Schwenzfeier (arrived at 7:15 P.M.)
Police Chief Raymond Philo
Deputy Town Clerk I Margaret M. Jones and Deputy
Town Clerk II Nancy E. Kneller

OTHERS: Attorney for the Town, Vincent Rossi, Jr (arrived at
8:04 P.M.)

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who had a personal commitment, the Deputies Town Clerk were present to record the minutes.

MINUTES:

October 1, 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. 383 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 *October 1, 2003* and does further waive the reading of the same.

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.

October 15, 2003 Town Board meeting

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

(RESOLUTION NO. 384 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 ***October 15, 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.

MATTERS SUBMITTED BY TOWN SUPERVISOR

T-1 Internet Upgrade:

The Town Supervisor has signed the T-1 Internet Upgrade Agreement, which includes a monthly cost of Thirty-Nine Dollars (\$39). Gaffney Communications quoted the lowest one (1) year charge and Choice One quoted the lowest sustained charge. Councilman Waszkiewicz believed that the router installation seems high. Councilman Backman presented the following Resolution for adoption; and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 385 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby agree to retain the services of Choice One and Gaffney Communications for the Integrated T-1

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Internet Upgrade, and does hereby authorize and direct the Town Supervisor to execute any and all agreements related to said upgrade.

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.

PUBLIC PRESENTATIONS

LIBRARY FUNDING:

Kurt Schwenzfeier expressed concern about the fairness of the Town levying a tax on the New York Mills' taxpayers for availability of the New Hartford Public Library since the Village of New York Mills has its own facility.

REPORTS OF TOWN OFFICIALS

(AGING) DIRECTOR OF SENIOR SERVICES:

Purchase of Sound System

Upon recommendation of Director of Senior Services M. Eileen Spellman, Councilman Waszkiewicz presented the following Resolution for adoption, and duly seconded by Councilman Butler:

(RESOLUTION NO. 386 OF 2003)

WHEREAS, the New Hartford Adult Dining and Activity Center is in need of a new sound system, which cost totals One Thousand Six Hundred Ninety-Five Dollars (\$1695); and

WHEREAS, Nine Hundred Dollar (\$900) had been allocated in the 2003 Budget for the purchase of an air conditioner, that hadn't been purchased;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize and direct that the Nine Hundred Dollars (\$900) allocated for the purchase of a new air conditioner be used towards the purchase of a new sound system for the New Hartford Adult Dining and Activity Center with the understanding

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that the balance of Seven Hundred Ninety-Five Dollars (\$795) will be paid from donations received by the Dining and Activity Center.

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.

Bus Grant

The Director of Senior Services further requested that the bus for the Dining and Activity Center be housed inside during the winter months. A \$5,000 Grant from New York State Assemblyman Townsend can be used by the New Hartford Adult Dining & Activity Center as seed money to start the 501 3 C.

Junior High Community Project

Councilman Butler asked if the Dining and Activity Center could use the assistance of Junior High students who need to complete community service requirements as part of their curriculum. Councilman Butler wanted to make sure that the Board was aware of the students assisting at the Center. Director Spellman responded that her Department can always use their help and that she could probably use the help of two or three students each day during the Christmas Holiday. The Director also seeks volunteers from the general public.

HIGHWAY SUPERINTENDENT:

Consumer Square Traffic Light

The Real Estate Maintenance Agreement for the Traffic Signal at Consumer Square was reviewed and revised by Vincent J. Rossi, Jr., Attorney for the Town, according to the Town Planner. The Agreement essentially tells Benderson Development Company how to maintain and operate the traffic light at Consumer Square. Benderson has not signed the Agreement yet and there is a meeting with New York State Department of Transportation (DOT) on November 6, 2003 regarding this Agreement. DOT apparently has some questions regarding the Agreement, but the Town Planner believes that their questions should not affect the Agreement. Based upon the recommendation of the Town Planner, Councilman Waszkiewicz introduced the following Resolution for adoption, duly seconded by Councilman Woodland:

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(RESOLUTION NO. 387 OF 2003)

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 a Real Estate Maintenance Agreement with Benderson Development Company regarding the installation, operation and maintenance of a traffic control signal within the Consumer Square Shopping Center, Commercial Drive, New Hartford, NY.

The foregoing Resolution was duly put to vote upon roll call, which resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Whitetail Meadows Subdivision

Whitetail Meadows has been re-inspected by Senior Engineering Technician John Meagher and the Town Planner and a letter has been sent to Developer John Barkett, Jr. regarding certain items that must be corrected. Councilman Backman does not want any more Building Permits issued in this development and Councilmen Waszkiewicz and Butler concurred. The Town Planner further clarified that Mr. Barkett is building on Lot Number 9 and not Lot Number 23 as stipulated by the Town Board in August 2003. Planner Schwenzfeier further stated there are other issues that need to be discussed with Mr. Barkett. Upon the recommendation of the Town Planner, Councilman Backman presented the following Resolution for adoption, and duly seconded by Councilman Butler:

(RESOLUTION NO. 388)

RESOLVED that the Town Board of the Town of New Hartford does hereby order that no more Building Permits, Certificates of Occupancy and other related permits be issued to the developer of Whitetail Meadows Subdivision until all required corrections have been made by the developer and that said corrections meet with the approval of the Town Planner, Town Engineer and/or other appropriate Town Officials of the Town of New Hartford.

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Update of Master Plan – Councilman Waszkiewicz’s Agenda Item

Councilman Waszkiewicz inquired about the status of the Master Plan update. The Town Planner anticipates that the update will be completed by mid-June, unless new surveys are needed.

PARKS AND RECREATION DIRECTOR:

Ice Rental Agreement

On behalf of the Parks and Recreation Director, Councilman Waszkiewicz presented an Ice Rental Agreement for approval; Councilman Backman then introduced the following Resolution for adoption, and duly seconded by Councilman Woodland:

(RESOLUTION NO. 389 OF 2003)

RESOLVED that, contingent upon review and approval by Vincent Rossi, Jr., Attorney for the Town, the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Ice Rental Agreement with the New Hartford Central School District for the period beginning November 10, 2003 and ending April 14, 2004.

The foregoing Resolution was duly put to vote upon roll call, which resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

TOWN CLERK:

Training School

Upon request of the Town Clerk, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 390 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 Clerk Gail Wolanin Young, CMC/RMC, to attend a *Records Management Grant Workshop* sponsored by the New York State Archives on November 18, 2003 in Westmoreland, New York, with incidental 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.

Training School

Upon further request of the Town Clerk, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 391 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 Clerk Gail Wolanin Young, CMC/RMC, to attend an *Educational Workshop* sponsored by the *New York State Town Clerks Association* on December 8, 2003 in Utica, 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

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

The Resolution was declared unanimously carried and duly adopted.

Training School

Upon request of the Registrar of Vital Statistics, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

(RESOLUTION NO. 392 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 Registrar of Vital Statistics Gail Wolanin Young, CMC/RMC to attend a *Vital Statistics Teleconference* on December 16, 2003 in Syracuse, New York, with incidental 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.

Re-schedule Public Hearing – Local Law Introductory No. “F”, As Amended, of 2003

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

(RESOLUTION NO. 393 OF 2003)

WHEREAS, the **Central New York Newspaper Group** had erroneously published the Notice of Public Hearing for Local Law Introductory No. “F”, As Amended, of 2003 in the Elmira Newspaper instead of The Observer Dispatch, said Hearing to have been conducted November 5, 2003;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby reschedule the Public Hearing for Wednesday, November 19, 2003 at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, in said Town to consider **Local Law Introductory No. "F", As Amended, of 2003** which, if adopted, would amend the Code, Chapter 56 thereof entitled **DOGS AND PETS**, by defining habitual loud barking and howling and habitual chasing and placing a distance and time restriction on each; and be it

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

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Cellular Phone Usage

Councilman Backman stated that, effective October 1, 2003, the Highway Superintendent, Deputy Highway Superintendent, Codes Enforcement Officer and Highway Clerk have agreed to participate in the proposed program to make quarterly payments to the Town for usage of cellular phones. It is also the understanding that when the Town Assessor is "in the field" he will be able to use the cellular phone that the Highway Clerk has been assigned. Councilman Backman offered the following Resolution for adoption; duly seconded by Councilman Woodland:

(RESOLUTION NO. 394 OF 2003)

RESOLVED that the New Hartford Town Board does hereby amend the Employee Handbook (adopted September 1999), Section 510 – Telephone Usage, by amending the last paragraph pertaining to use of cellular phones, to read as follows:

- Any Town official or employee who is assigned a cellular phone will be required to pay Twenty Dollars (\$20) per month, subject to change; this monthly payment

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will entitle the official or employee to use the cellular phone for personal calls. The official or employee must additionally reimburse the Town for any personal long-distance calls/roaming charges in excess of Five Dollars (\$5) per month.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS (CONT'D)

HIGHWAY SUPERINTENDENT:

Drainage Easement – Zammiello, Beechwood Road

The Highway Superintendent reported that Mrs. Zammiello of 23 Beechwood Road has reviewed the proposed easement and is satisfied. Councilman Backman asked if this would be ready for action at the next Town Board meeting and the Highway Superintendent is going to proceed.

Appointments – Part-time, Seasonal Employees

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

(RESOLUTION NO. 395 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint Shawn Eddy and Robert Thornton, Sr. as Part-time Seasonal Laborers during the leaf collection period for the Highway Department, commencing November 6, 2003 at the hourly rate of Seven Dollars Seventy-Five Cents (\$7.75); payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

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The Resolution was then declared unanimously carried and duly adopted.

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

(RESOLUTION NO. 396 OF 2003)

WHEREAS, Brian Smith, a Part-time, seasonal Highway Department Laborer had been given two (2) weeks off;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint Brian Smith as a Part-time, seasonal Laborer for the Highway Department, commencing on November 3, 2003 at the hourly rate of Seven Dollars Seventy-Five Cents (\$7.75); payable bi-weekly.

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.

Highway Department HEO Michael Roberts – County Approval

Highway Superintendent Roger Cleveland reported that the Oneida County Personnel Department has approved Michael Roberts' promotion to Heavy Equipment Operator.

Drainage – Higby Road/Christopher Circle

The Highway Superintendent ran this issue through stormwater management criteria. This issue was identified prior to stormwater involvement policy and the issue on Mallory Road was not. Councilman Backman will talk to the property owner on Mallory Road. Regarding the problem on Christopher Circle, Councilman Backman – with the Highway Superintendent's recommendation – would like the Board to approve this project to correct the problem in 2004. The project would involve about one and one-half days (1 ½) and approximately one hundred fifty feet (150') of four inch (4") perforated pipe. Councilman Backman moved to proceed with this project after receiving easements from both neighbors. Councilman Waszkiewicz believed this matter draws an analogy with the Murad property, the criteria being somewhat subjective and the Highway Superintendent was asked if there is comparison between these properties. Highway Superintendent Cleveland said that the pipe should be brought down Valley View or

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brought out to the street for discharge. Councilman Waszkiewicz would like the criteria applied equally across the town. Councilman Backman will talk to Mrs. Spina and the neighbors to see if they would be willing to split the cost of the pipe. Councilman Backman asked the Highway Superintendent to provide an estimate of the pipe cost.

Town-wide Mailing

The Highway Superintendent distributed a “draft” flyer containing information for people who move into the rural area from a city and provides what to expect and what they might encounter when they become rural dwellers. The Town Planner will review the “draft” flyer.

Sewer Pump Stations

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

(RESOLUTION NO. 397 OF 2003)

WHEREAS, there have been periodic and recurring issues with the sewer pump stations owned by the Town of New Hartford; and

WHEREAS, due to these recurring problems, the Highway Superintendent solicited and received four (4) quotes to perform a conditional assessment on these pump stations to include estimated engineering costs, etc. to bring the pump stations up to code;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to retain the services of Shoemaker Consulting, the low bidder, at a cost of Four Thousand Two Hundred Dollars (\$4,200) to perform a detailed assessment, including estimated engineering costs, etc. to bring the pump stations located at Homestead Road, Concord Boulevard, Fairway Estates and Camden Way up to code and that the cost of this project will be charged to the Sewer Budget.

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.

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PUBLIC HEARING

8:00 P.M.

2004 Preliminary Budget

At 8:00 P.M. the Town Supervisor opened the Public Hearing and Deputy Town Clerk I presented the Notice of Public Hearing, Affidavit of Posting and Proof of Publication. Supervisor Humphreys announced that the purpose of the Hearing was to offer the Public an opportunity to speak in favor of or in opposition to the 2004 Preliminary Budget. Copies of the Summary sheet of the budget were made available to the public.

Supervisor Humphreys explained the budget process and a big change involving the Police Department, changing from Part-town General Fund to Whole-town General Fund and New York Mills' taxpayers being relieved of any taxes for police expenses. While the Budget is higher, the property assessments have increased as well; a tax increase is proposed. The Town Supervisor itemized some changes:

- Sewer Consolidation District – tax rate is down six (6) cents
- Sewer Truck – \$200,000
- Pump Station upgrade – \$125,000
- Software – \$49,000
- Taking Library over for the Village adds \$20,000 to the Town expenses; whole-town expense vs part-town General Fund
- New Zamboni – \$63,500
- Outdoor Skating Rink – \$45,000; grant applied for
- Water Park at Donovan Memorial Park – will eliminate the need for lifeguards
- Pick-up with Plow for Park – \$21,000
- Paving outer loop at the Town Park – \$34,000
- Purchase of twelve (12) computers and two (2) servers for offices at Butler Memorial Hall – \$27,000
- Road paving – \$450,000
- Highway Equipment – \$300,000
- Twenty-Seventh (27th) payroll this year – \$150,000
- Comprehensive Plan – \$45,000

The Town Supervisor asked if anyone wished to speak for or against the budget, or any portion thereof:

- Dennis Thompson, 8 Christopher Circle asked if the Board would act on the budget tonight, stating he would like to defer the vote so that the public has time to review the budget. He questioned the need for a new Zamboni; Councilman Waszkiewicz explained the rationale of this purchase. Mr. Thompson believed

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- this is an unnecessary expense, claiming the Parks Department has not maintained the pavilions.
- James Spellman, 29 Bohling Road suggested that future Budget hearings be held at the Fire Hall where a power point presentation or overhead presentation could be made.

Councilman Waszkiewicz asked Financial Consultant Patrick Tyksinski if there were a rule of thumb for bonding regarding “useable: life. Mr. Tyksinski explained that Town Law sets forth how long a municipality can bond; he said that from a financial standpoint, the farther out it goes the more sense it make to bond if you need to in fact bond and that the breaking point is five (5) years. It is prudent to bond for anything that has a life expectancy of more than five (5) years.

Councilman Backman is looking for a final proposed rate. He doesn't believe that the decisions were foolish and that the Emergency Dispatch Center definitely needs new software. He understands transferring the library into Whole-town General Fund and cannot go along with the Mr. Schwenzfeier's request to give the residents of New York Mills a rebate for the library. The Town has not bonded in two (2) years and Councilman Backman does not want to bond, believing the Town is in a position to retire some debt. Regarding the paving appropriation, he believes this is an area where our constituents can look and know that something has been done with their tax dollars. We don't have control on the problem regarding the additional week payroll. The Councilman feels that the Comprehensive plan could be offered as a sacrificial lamb if something needs to be cut. If we need to cut this is Forty-Five Thousand (\$45,000) Dollars that probably could be put off until next year. Councilman Backman stated that if need be and cutting back is needed perhaps the Town can look at the amount in the budget for the Library.

Councilman Butler stated that the Town has not bonded in two (2) years and this is fantastic. The Councilman further stated that he does not know of any municipality that can pay “as you go”. The Councilman believes that some items should be reviewed, such as a van for the Engineer and the pick-up with the plow. This Councilman does not want to see the tax rate go up and he suggested that the road paving should be reduced to Four Hundred Thousand (\$400,000) Dollars. The Town Supervisor explained that less mileage would be paved in 2004. Paving was brought up to the amount of Four Hundred Ten Thousand (\$410,000) due to FEMA.

Councilman Woodland believes that highway vehicles are a big expense and perhaps the Town can alleviate this expense through bonding. His concern is that the Town might continue to increase the tax burden on its residents.

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Councilman Waszkiewicz has a "...philosophical problem about taxing Town residents with an asset that has an extended period of life". Councilman Waszkiewicz distributed a chart prepared by the Bookkeeper, reflecting sales tax revenue over the past four years. The Councilman believes that the Town should not carry too large of a fund balance and that it's not fair to the taxpayer to over-estimate the Town's apportionment. According to these figures, there is a potential that the 2004 Budget understates the Town's revenue by a considerable amount if the Board takes into account a projected addition to the fund balance of Four Hundred Thousand Dollars (\$400,000) and the projected sales tax revenue increase of Four Hundred Thousand Dollars (\$400,000). Councilman Waszkiewicz believed that the Town should not cut the Library, Fireworks or Paving Budgets.

Councilman Backman stated that the sales tax is always in a flux and should be estimated conservatively. Regarding the chart prepared by the Bookkeeper, Supervisor Humphreys stated that the Bookkeeper could not have projected these figures since the Bookkeeper did not have input from all Department.

Discussion included bonding for long-term assets, which would reduce the budget resulting in a tax reduction.

Financial Consultant Tyksinski suggested the Town take a realistic approach regarding sales tax projections for next year, adding that the only way to build a fund balance is from surpluses. Vincent J. Rossi, Jr., Attorney stated that there is a limit in the fund balance. Mr. Tyksinski stated this limit applies to schools; municipalities do not have this rule. This Town relies on sales tax, said Consultant Tyksinski. Councilman Backman agrees with Councilman Waszkiewicz that the Town should put money back into the taxpayers' pockets.

Councilman Backman stated that sales tax revenue – in good times – is wonderful; New Hartford has more than others, but we also have empty stores. The Town Supervisor stated that he wants to stay fiscally sound.

- James Lawrence, 67 Imperial Drive noted that the budget is significantly higher this year. The Supervisor explained that the state retirement plan is up three (3%) percent due to bad investments. Mr. Lawrence asked if there was a breakdown of increases by each Department. Councilman Waszkiewicz suggested that the budget be posted on the Town's Web site.

There being no one further appearing to speak on the Budget, the Supervisor closed the Public Hearing at 9:37 P.M.

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2004 Budget Adoption

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

(RESOLUTION NO. 398 OF 2003)

WHEREAS, a Public Hearing was duly held on November 5, 2003, to consider the adoption of the 2004 Preliminary Budget; and

WHEREAS, a projected additional increase of Two Hundred Thousand Dollars (\$200,000) in sales tax revenue is hereby approved and added to the 2004 Preliminary Budget to help reduce the tax levy;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby adopt the 2004 Preliminary Budget, as revised, as the 2004 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	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Ay e
Supervisor Humphreys	-	Aye.

The Resolution was then declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS (CONT'D)

POLICE CHIEF:

Local Law Introductory No. "H" of 2003 (Fire lanes/Consumer Square Shopping Mall)

Councilman Waszkiewicz introduced the following legislation for the Town Board's consideration at a future public hearing; co-sponsored by Councilman Backman:

Town of New Hartford, New York
Local Law Introductory No. "H" of 2003

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by amending Section 113-27. Semipublic parking areas and driveways and specifically relating to the Consumer Square Shopping Mall.

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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 113-27, Semipublic Parking Areas and Driveways, is hereby amended as follows:

Section 113-27. Semipublic parking areas and driveways

Add the following Subparagraph:

F. Consumer Square Shopping Mall, Commercial Drive, New Hartford, New York

(1) Parking prohibited:

- a) Fire lanes located across the front of Building 1's westerly side and the Building's southerly side
- b) Fire lanes located across the front of Building 2's southwesterly side
- c) Fire lanes located across the front of Building 3's southeasterly side
- d) Fire lanes located across the front of Building 4's easterly side and the Building's southerly side

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.

Public Hearing Scheduled – Local Law Introductory No. “H” of 2003

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

(RESOLUTION NO. 399 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, November 19, 2003 at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, in said Town to consider **Local Law Introductory No. “H” of 2003** which, if adopted, would amend the Code, Chapter 113 thereof entitled **VEHICLES AND TRAFFICE**, by designating fire lanes/no parking along Buildings #1 through #4 in the Consumer Square; and be it

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

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Agreement – Animal Shelter Services

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

(RESOLUTION NO. 400 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Animal Sheltering Agreement with Stevens-Swan Humane Society, Inc. for the period January 1, 2004 – December 31, 2004, as per the terms and conditions set forth in said Agreement.

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 Supervisor declared the Resolution unanimously carried and duly adopted.

Appointment - Police Officer

Chief Philo reminded the Board that an additional police officer position had been budgeted for 2003 and that a temporary vacancy exists due to a worker's compensation case. This position is essentially one hundred percent (100%) paid for over the next three years by funding from the Oneida County Advocacy Center and funding from the Department of Justice; a background investigation has been completed on a prospective employee and the Personnel Assistant is aware of this potential lateral transfer.

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Discussion followed, including the budget line item, mediation of the Police Benevolent Association union contract, back-up service from the County Sheriff’s Department and the Town Police Department’s contractual services to Oneida County for various law enforcement programs, the latter of which the Chief said could continue for years. Telecommunicator Supervisor Jeffrey Madden stated that the Emergency Dispatch Center does call the Sheriff’s Department for backup, but they are busy with other towns; such as, Ava, Paris, etc. who have no police department. Both the Sheriff Department and the Town of New Hartford Police Department are stacking calls on a daily basis. Thereafter, upon recommendation of the Police Chief, Councilman Butler introduced the following Resolution for adoption; duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 401 OF 2003)

WHEREAS, a temporary vacancy for a full-time Police Officer currently exists due to Officer Richard Jones being approved for GML, Section 207 C;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby approve the lateral transfer and appointment of Christopher J. Burns as a full-time Police Officer to fill said vacancy, effective November 30, 2003, at the appropriate salary set forth in the Police Benevolent Association Union Contract. Said transfer and appointment shall be subject to all New York State Civil Service rules and regulations and is subject to approval by the Oneida County Personnel Department.

The Resolution was voted upon by roll call as follows:

	Councilman Waszkiewicz	-	Aye
	Councilman Woodland	-	Aye
	Councilman Butler	-	Aye
	Councilman Backman	-	Nay, due to budgetary
reasons	Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BUTLER:

Signs - New Hartford Marching Band

Councilman Butler asked that signs be placed at appropriate areas when entering the Town of New Hartford recognizing that the New Hartford Central School Marching Band are State Champions. Councilman Butler did not know what the cost involved would be.

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The Highway Superintendent Roger Cleveland stated that the Highway Department could make the signs. The Board members concurred that this should be done.

COUNCILMAN BACKMAN (CONT'D):

Street Light – Higby Road at Mohawk Street

Councilman Backman inquired as to the possibility of placing a light at the corner of Higby Road and Mohawk Street since this is a very dark area and some residents believe another light is needed in this area.

REPORTS OF TOWN OFFICIALS (CONT'D)

HIGHWAY SUPERINTENDENT (CONT'D):

The Orchards - Judd Road Development, LLC

The Highway Superintendent explained that part of the previously executed Pre-development Agreement is the requirement of a Ten Percent (10%) site-work retainer in the form of a Letter of Credit or cash. The developer is requesting he be allowed to substitute a Performance Bond in lieu of a Letter of Credit or cash; would the Town accept a Performance Bond from the developer? Attorney Rossi would rather have cash or a Letter of Credit, which is easier to turn into cash. A Performance Bond is excellent for the project developer and is less costly to them. Does the Town want to deviate from its requirement of a Letter of Credit or cash, for consistency sake? The Town Supervisor suggested that the Town might accept a Performance Bond at a cost double of that of a Letter of Credit or cash. Attorney Rossi stated that this would not add much to the Town's protection; a Performance Bond would give the Town solid security. The Insurance Company will complete the project as written regardless of how much it costs. Councilman Waszkiewicz expressed concerns with this. Attorney Rossi stated that perhaps the Board could request ten percent (10%) cash and the Performance Bond. The Performance Bond is for Three Hundred Thousand (\$300,000) Dollars. A suggestion was made to go back to the developer to determine their thoughts about the ten percent (10%) cash plus Performance Bond. The Attorney changed his line of thought and stated that the Town should ask for five (5%) percent cash plus the Performance Bond. It was the consensus of the Board that the Town asks for the five (5%) percent cash or Five Thousand (\$5,000) Dollars minimum and the Performance Bond for the required security. The Highway Superintendent will present this request to the developer and will report back to the Board.

Intermunicipal Agreement - Sauquoit Creek Basin Steering Committee

The Highway Superintendent stated that the Committee is still continuing with volunteer contributions and is requesting that the Supervisor sign the Inter-Municipal Agreement in behalf of the Town. The Committee is trying to get fifteen (15) or so municipalities to sign to this agreement to use as a "tool" to acquire a portion of the Nine Hundred

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Thousand Dollars (\$900,000) the Department of Environmental Conservation has left over from the now-abandoned Corps of Engineer Sauquoit Creek Improvement project and to apply for grant money. One requirement is for one Town to be Lead Agency on a project until such time that a more permanent organizational structure is created, i.e., an authority, a district. Since the Town of New Hartford spearheaded this effort, other communities are looking at the Town of New Hartford to sign this Agreement. Attorney Rossi stated that the Agreement is very well done, but the caveat is one person gets to vote and spend the money. Delegates could be outvoted and delegates might have power to spend money. Councilman Woodland asked if the Town served as Lead Agency does that make us more liable. What the Town Board is doing is to set a criterion for the Highway Superintendent, who is the delegate. Board approval is required before any expenses are paid should be added as per Attorney Rossi. Upon the recommendation of Highway Superintendent Roger Cleveland, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 402 OF 2003)

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 the Sauquoit Creek Basin Inter-Municipal Agreement.

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 Supervisor declared the Resolution unanimously carried and duly adopted.

Intermunicipal Agreement – Compost Site

Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz introduced the following Resolution for adoption, duly seconded by Councilman Backman.

(RESOLUTION NO. 403 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-municipal Agreement with the Village of New York Mills outlining said Village's annual contribution to the operating

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costs of the Town’s Compost facility in accordance with the terms and conditions set forth in said Agreement.

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 Supervisor declared the Resolution unanimously carried and duly adopted.

Reconstruction – Bleachery Avenue Bridge

Regarding the Bleachery Avenue Bridge, Stetson Harza engineers have been taken over by Lochner Engineer and Lochner will now be responsible for this Contract from this point forward. Lochner would like the Town to release Harza of any responsibility. Vincent J. Rossi, Jr., Attorney for the Town, will contact Lochner about this matter.

Agreement - Sanitary Sewer/ Thomas Fiorentino property

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

(RESOLUTION NO. 404 OF 2003)

RESOLVED the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute the Sanitary Sewer License Agreement between the Town and Thomas Fiorentino as same pertains to the Fiorentino property at 197 Paris Road (Tax Map Parcel No. 338.000-3-8), contingent upon approval of Attorney Rossi.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

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Drainage - Higby Woodlands

The Highway Superintendent explained that there is no drainage district and the people who live in this area share the cost. The Attorney for the Town of New Hartford will go back to the people and explain that the Town is going to continue with the extension.

Town Offices - Partlow Building

Councilman Waszkiewicz asked the Town Supervisor to make an on-site visit of the vacant Partlow Building on Champion Road and its possible conversion to Town Offices. The Highway Superintendent stated that March Associates could study the building at a cost not to exceed Forty-eight Hundred Dollars (\$4800), and to prepare the cost to bring this building in conformance with Village Codes. The study could be completed by November 19, 2003.

Road Dedication – Applewood Community

Al Swierzak, P.E. is to do the final work regarding the dedication of the additional roads in the Applewood Community, reported the Highway Superintendent.

COUNCILMAN WASZKIEWICZ:

Agenda items:

- Grant Writing update – Connie Miner & Herkimer-Oneida County Community Foundation – Asked Connie Miner to attend the November 19, 2003 Town Board meeting. Councilman Waszkiewicz will get back to everyone.
- Information & material storage analysis/NY State Archives Dept. - The Town is “in the pink” with the State regarding records management. Bob Dudley of ASR and the Town Clerk will be meeting next week. After meeting with RAO Kent Steutz and the Town Clerk, Councilman Waszkiewicz reported that the Town will apply for an Active Records Grant to upgrade files management in various offices, including new storage units; this will increase office square footage and better utilization of space. The filing system would be in a format that meets state requirements. The Highway Supervisor asked the Councilman if the engineering and highway department would be included. Every department would be included and would be “color” coded.
- New York Mills annexation of specified properties – Status report – There will be a joint hearing at 6 P.M. on December 17, 2003 at the New York Mills Village Offices and then the New Hartford Town Board meeting will be held at Butler Memorial Hall at 7:00 P.M.
- Web Site (neighborhood map, descriptions, definition of livable square footage, assessment roll) – It is the consensus of the Town Board to post this on the Web site. The Town would need to construct a page, which the Assessor will need to approve. Councilman Waszkiewicz suggests that the map be road by road within a given area where a location could be more easily found.

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- Petition the State to permit Town to implement a cap, a maximum percentage amount that an assessment can be increased in any one year – Board. approval would be required. This is impossible by state regulations. The Town Supervisor doesn't think this would work and is against it. Councilmen Backman and Woodland believe that the Board should think about this.
- Contracted and negotiated electric and power charges – Councilman Waszkiewicz had a list of four (4) potential quotes, of which one company is interested in providing a quote. The Town Supervisor is checking with more companies.
- Salt and Sand substitute cost comparison – The Highway Superintendent and his Deputy are performing an analysis and are giving consideration to this matter and will report at a future meeting.
- Southern Reservoir – The Capital Improvement Committee of Mohawk Valley Water Authority had proposed the policy that was not as flexible as the full Water Authority was looking for.

COUNCILMAN BUTLER (CONT'D):

Agenda items:

- Possible sign honoring State Champions – New Hartford Marching Band – Since the New Hartford Marching Band are State Champions, Councilman Butler inquired if the Town Board is interested in sending them a plaque honoring their accomplishment. It was the Town Board's consensus that Councilman Butler make arrangements to have the plaque prepared and to present it at the November 7, 2003 Marching Band banquet.

COUNCILMAN WOODLAND:

Agenda items:

- Alleged Codes violation – Clinton Road - Vincent J. Rossi, Jr., Attorney for the Town has talked with Mr. Kostelecki about the wagon wheel, and the complainant is to send photographs to Attorney Rossi.
- Trash pick-up – Councilman Woodland reported there has been no change regarding pick-up of trash in commercial areas
- Route 12 B School Bus Ahead Sign – will check with the Town Clerk regarding this matter and possibility of sending another letter to the NYS DOT
- Stop Sign proposal – Merritt Place – The Police Chief has the information.
- Mulvihill is a go. Placing a sign on the existing pole is o.k.

ATTORNEY ROSSI:

Agenda items:

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- Senior Center 501 C (3) formation - Councilman Waszkiewicz suggested that the Board get closer with the Community Foundation to obtain ideas about creating a fund. Grant writer Connie Miner is planning to attend the next Town Board meeting. The money would not be taxpayer money. Councilman Backman would like to get an opinion from Albany regarding legalities. A suggestion was made to call the Association of Towns to see if they see any impediment. When the money comes in, the Town Board would have no say but the Town's Director of Senior Services might have a say on it. Community Foundation acts as a receptacle for the money. Financial Consultant Patrick Tyksinski stated that what the Town is looking for is a funding source, but is not sure that the Board wants control. Maybe a suggestion is to separate entities; such as, Nutrition Center under Town of New Hartford and then a separate entity for New Hartford Seniors. Councilman Backman likes the idea but wants an opinion from Albany. Attorney Rossi offered his time free of charge to complete the necessary applications for the Director of Senior Services, as the application for the Internal Revenue Service is complicated. Attorney Rossi will have more information at the next Town Board meeting.
- Montesano – Attorney Rossi has called her and told her that the Town would not be not taking action. She is o.k. with this.
- Preswick Glen project - Attorney Rossi spoke with Ray Garrett and Attorney Rossi wants to make sure that whatever entity is operating the Preswick Glen project is going to pay. Attorney Rossi believes that a provision needs to be put in place that if the Presbyterian Home doesn't pay, that the Town will collect real estate taxes. The Town Supervisor advised the Board that perhaps they might want to reconsider their vote. Councilman Waszkiewicz stated that if the deal would be the same, it would not change his vote. Councilman Butler agrees with Councilman Waszkiewicz. Attorney Rossi advised that the Board use due diligence for this plan. If the Presbyterian Home changes the project, the Board will want to revisit this issue. It is the Town Board's consensus that Attorney Rossi will go back to the Presbyterian Home regarding the proposed changes. If there is a change in the fee, the Town needs to know what they are consenting to. If there is a dramatic difference, the Town Board is going to have to revisit the matter.
- Murad Assessment Certiorari - Attorney Rossi wants to sign the Stipulation to reduce the assessment for Mr. Murad to Two Hundred Seventy-Five Thousand (\$275,000) Dollars, as Mr. Murad's assessment re-evaluation was a mistake on the Assessor's part. Mr. Murad's neighborhood was not revalued. Mr. Murad's assessment defaulted to Two Hundred Ninety Thousand (\$290,000) Dollars and should not have defaulted to this rate.
- Budget rental car - Attorney Rossi is referring this matter back to the Town Supervisor.

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- Cully vs. Town of New Hartford (tax certiorari) - Attorney Rossi had a conference with Judge Siegal. Cully will not let anyone measure the residence. Mr. Cully and the Town have to agree with an independent person to do the measuring.

MATTERS SUBMITTED BY TOWN SUPERVISOR (CONT'D):

Audit of Vouchers

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

(RESOLUTION NO. 405 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which ha been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 38	\$ 2,294.26
General Fund, Whole-Town Abstract No. 39	\$ 88,828.11
General Fund, Part-Town Abstract No. 27	\$ 27,683.33
Highway Fund, Part-Town Abstract No. 25	\$ 3,217.47
Highway Fund, Part-Town Abstract No. 26	\$ 350,863.38
Sewer Fund Abstract No. 16	\$ 1,303.54
Sewer Fund Abstract No. 17	\$ 1,863.94
Street Light District Abstract No. 13	\$ 7,329.92
Drainage Abstract No. 16	\$ 5,224.46
Bleachery Ave Bridge Abstract No. 1	\$ <u>5,507.94</u>
TOTAL:	\$494,116.35

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

Amendment (Sub-lease) – Fire Protection Agreement District 1 and 2

The Town Supervisor reported that the Clark Mills Fire Department would like to have a Contract for five (5) years instead of the one (1) year Contract that was signed this year and includes a declaimer. A proposed amendment would contain an escalating fee scale

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over five years. Attorney Rossi has reviewed the proposal and believes that this is a better Contract. Upon recommendation of the Town Supervisor, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 406 OF 2003)

WHEREAS, at the May 7, 2003, Town Board meeting Resolution No. 163 was duly adopted whereby the Village of New Hartford Fire Department would sub-lease with the Clark Mills Fire Department, the latter of whom would provide fire protection services to certain New Hartford Town parcels; and

WHEREAS, the Clark Mills Fire Department has requested that the Agreement for Fire Protection between the Town and Village of New Hartford and the Clark Mills Fire Department be for a five-year duration;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 163 of 2003 and the referenced Fire Protection Agreement so that the Clark Mills Fire Department shall provide fire protection services for a period of five (5) years with the following annual payment schedule from the Village to the Clark Mills Fire Department:

Fiscal Year	2003	-	\$2,000
Fiscal Year	2004	-	2,030
Fiscal Year	2005	-	2,071
Fiscal Year	2006	-	2,112
Fiscal Year	2007	-	2,165.

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

Zoning Violation - Morgan Lane

Councilman Butler has not heard from Attorney Longheretta, counsel for one property owner. Attorney Rossi has offered to help where he could. Councilman Butler will contact Longheretta again.

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Agreement – Railroad Crossing (New York Susquehanna & Western Railway).

Oneida County says not to pay the Railway's bill for a public grade crossing.

Tax Exemption - Parent/Grandparent Apartment

The Town Supervisor stated that New Hartford Central School is interested in going forward with this matter. He believed if the School is going to offer this, that the Town should also. Councilman Waszkiewicz believes the Town Board should wait until the School has their public hearing before the Town has their Public Hearing on the matter.

Flexible Spending - EBS

The Supervisor has nothing to report, except that all employees who participated had gotten out of the program.

Computer Consultant Agreement

ISSY out of Syracuse does AS400 work. The Consultants would charge Forty-Five Dollars (\$45) an hour. ISSY proposes one hundred fifty-six hours, which would be three (3) hours a week. If by the end of the 2004, the Town does not use all One Hundred Fifty-Six Hours, then the remainder would roll over to the following year. The Town presently uses their services on average 2.8 hours per week. Upon the recommendation of the Town Supervisor, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 407 OF 2003)

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 with ISSY for computer support services for a total of one hundred fifty-six (156) hours at a cost of Forty-Five Dollars per hour (\$45) for fiscal year 2004.

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

EXECUTIVE SESSION

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

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(RESOLUTION NO. 408 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 the promotion/pay increase for 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 and Deputies Town Clerk, were then excused from the meeting at 12:15 A.M. on Thursday, November 6, 2003. Attorney Rossi and the Highway Superintendent remained.

[NOTE: The following transcript was provided by the Town Supervisor.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 409 OF 2003)

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

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

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 12:22 P.M. The regular portion of the Town Board meeting was immediately reconvened.

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Hourly Stipend – MEO Michael Coonradt

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

(RESOLUTION NO. 409 OF 2003)

RESOLVED that the New Hartford Town Board does hereby approve, effective immediately, a One Dollar (\$1) per hour stipend for Motor Equipment Operator Michael Coonradt ONLY FOR THOSE HOURS when MEO Coonradt is performing building and maintenance tasks, sign installation, and locks and keys; it is further stipulated that MEO Coonradt will not be entitled to this stipend during the winter months when he is working as an HEO.

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

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

The Supervisor declared the Resolution carried and duly adopted

Higby Road Water Tank

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

(RESOLUTION NO. 410 OF 2003)

RESOLVED that the Town of New Hartford does hereby make a purchase offer in the amount of Fifty Thousand Dollars (\$50,000) for land owned by Eugene Carcone on Higby Road for the purpose of construction a water tank, which would include an option that should the Town of New Hartford install the water lines from the water tank to Mr. Carcone's clubhouse, Mr. Carcone will pay for the water tank. The Board further authorized a down payment for this option in the amount of Three Thousand Dollars (\$3,000), good for one (1) year; and should the Town be successful in purchasing this land, said down payment would go towards the purchase price.

Discussion followed about the possibility of splitting the costs of the survey for this land with Mr. Carcone. Thereafter, the Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Backman, the meeting was adjourned at 12:45 P.M.

Respectfully Submitted,

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