

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, MAY 19, 2004 AT 7:00 P.M.**

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

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

OTHER TOWN OFFICIALS: Assessor Paul E. Smith (Arrived at 8:30 P.M.)
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Telecommunicator Supervisor Jeffrey P. Madden
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:32 P.M.)

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

MINUTES

April 7, 2004 Regular Town Board meeting

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

(RESOLUTION NO. 170 OF 2004)

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

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The Resolution was declared unanimously carried and duly adopted.

PRESENTATIONS

CONSTITUENT CONCERN – REVALUATION PROGRAM

Frank Gerace, 22 Meadowbrook Drive, questioned how someone obtains a copy of the contract between the Town and Maxwell Appraisal Service; he was advised to FOIL this document through the Town Clerk's Office and that copies would be available at the statutory rate of twenty-five cents (\$.25) per page.

John Saupp, 11 Upper Woods Circle stated there was a lot of misunderstanding by himself and his neighbors relative to the Maxwell Appraisal contract; he will also FOIL this Contract. The Town Clerk explained that FOIL requests must be acknowledged to the applicant within five business (5) days, either approving the request and furnishing the documents; acknowledging the FOIL request and indicating more time is needed to obtain the records, or denying the FOIL request, giving a reason for the denial and advising the applicant can appeal to the Town Board.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Part-time, Seasonal Laborer Wages (Adjustment)

After a lengthy discussion between the Highway Superintendent and the Town Board, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 171 OF 2004)

WHEREAS, on April 7, 2004 the Town Board adopted Resolution No. 115 appointing individuals to various part-time seasonal positions in the Highway Department, at an hourly wage of Eight Dollars (\$8.00); and

WHEREAS, after questions had been raised by a Board member, on April 21, 2004 Resolution No. 139 was adopted to amend Resolution No. 115 and specifically, the hourly wage for part-time seasonal positions so that said employees would earn Seven Dollars and Seventy-Five Cents (\$7.75);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby rescind Resolution No.139, adopted April 21, 2004 so that the part-time seasonal Highway Department employees hired April 7, 2004 and who have been employed in this capacity for a period of one (1) year or more shall receive an hourly wage of Eight Dollars (\$8.00); and

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BE IT FURTHER RESOLVED that the New Hartford Town Board does hereby appoint Theodore Mohr as a Part-time Seasonal Laborer with the Highway Department for the hourly wage of Seven Dollars Seventy-Five Cents (\$7.75), commencing on May 24, 2004; said wages to be paid 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.

Curbside Trash Collection Program

Highway Superintendent Cleveland reported that the trash program is running well; because the Town has provided education for the residents on how to place materials at the curbside, there have been very few violations. Councilman Woodland asked about the garbage haulers and the Highway Superintendent reported that the haulers are starting to readjust their schedules so they pick-up in a specific area on the same day.

Proposed Water District - Woods Highway

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

(RESOLUTION NO. 172 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Town Supervisor to enter into and to execute a Pre-application Agreement with Burley & Guminiak for the purpose of studying the potential to form a water district for the Woods Highway area.

The Town Board voted upon roll call as follows:

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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Highway Department - Working Foreman

Highway Superintendent Cleveland reported that Christopher Moran has been appointed to the position of Working Foreman effective May 16, 2004, and has been approved by the Oneida County Personnel Department.

Authorization for Competitive Bid – Dump Truck with Plow

The Highway Superintendent explained that he would like to place in reserve one of the older trucks, which is twenty-five (25) years old and go out to bid for a new, more versatile truck and would like the Town Board to upfront the cost and take this cost out of the Highway Department's 2005 Budget. After some discussion, Councilman Butler presented the following Resolution and moved its adoption, which was seconded by Councilman Backman:

(RESOLUTION NO. 173 OF 2004)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of one (1) new dump truck with plow, 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, June 11, 2004 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; 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.

The Town Board voted upon 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.

Navistar Purchase Order

The Highway Superintendent presented a Purchase Order for the 2005 International Truck, asking that the accompanying voucher/invoice be approved for payment. The Town Board will address this matter when the Audit of the Vouchers is addressed at the end of the meeting.

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Competitive Bid/Change Date - Bituminous Concrete Paving

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

(RESOLUTION NO. 174 OF 2004)

WHEREAS, at the May 5, 2004 Town Board Meeting, Resolution No. 155 was adopted, authorizing competitive bids to be received on Tuesday, June 1, 2004 for Bituminous Concrete Paving; and

WHEREAS, the Highway Superintendent has requested additional time in order to prepare specifications;

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby amend the aforesaid Resolution No. 155 so that competitive bids for the Bituminous Concrete Paving project shall be received no later than 10:45 A.M. on Tuesday, June 15, 2004 and that all bids received shall be opened in the Town Clerk 's Office on said date at 11:00 A.M.

Upon roll call, the Town 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.

Sessions Road - Improvements

Answering Councilman Backman's question about the projected date for making the cut over from one part of Sessions Road to the other, Highway Superintendent Cleveland stated it would be late Summer 2004 and includes paving.

Road Dedication - Fawncrest Boulevard

Town Supervisor Humphreys inquired as to the status of Fawncrest Boulevard. It was the Highway Superintendent's understanding that the Deed had been recorded this week.

Road Dedication - Applewood Community

Highway Superintendent Cleveland gave a briefing on the discrepancy of road core samples. The Town is using an expert to give an interpretation of the quality of what soil

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is there and perhaps some recommendations as to what should be done. The Applewood developer is willing to listen to this expert.

AGING (DIRECTOR OF SENIOR SERVICES):

Volunteer Recognition

Director of Senior Services M. Eileen Spellman reported that today was Volunteer Recognition Day and that those people who volunteer their services at the New Hartford Adult Dining & Activity Center have given a total of twenty-eight hundred (2800) hours.

Appointment – Part-time, Seasonal Employee

The Director of Senior Services apprised the Board that her Department is in need of part-time help for the summer, for about three (3) days a week – not exceeding twenty (20) hours a week, due to the cut-back of an employee's hours due to medical reasons. Town Board consensus was for the Director to proceed with interview of candidates.

Community Foundation

Councilman Waszkiewicz reported that he met today with the Community Foundation, which has helped several local agencies to secure Grants. Councilman Waszkiewicz had been informed that there might be someone willing to entertain a grant for a vehicle (bus for the Adult & Dining Activity Center). Councilman Waszkiewicz suggested that the Director of Senior Services ask the Foundation for help to achieve this end.

TELECOMMUNICATOR SUPERVISOR:

Appointments – Full and Part-time Public Safety Telecommunicators

Telecommunicator Supervisor Jeffrey Madden reported that Full-time Public Safety Telecommunicator Michael Talento has resigned but would like to fill the Part-time Public Safety Telecommunicator vacancy created by the resignation of Brian Freiburger. Telecommunicator Supervisor Madden recommended that Gregory DeBernardis fill the vacancy created by Michael Talento's resignation from his full-time position and that Mr. DeBernardis be given credit for his five (5) years' Part-time Telecommunicator service, thereby bringing his annual salary to Twenty-three Thousand Four Hundred Ninety-three Dollars (\$23,493), or Eleven Dollars Twenty-nine Cents per hour (\$11.29). After a lengthy discussion, Councilman Woodland presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 175 OF 2004)

RESOLVED that the New Hartford Town Board does hereby appoint Gregory DeBernardis to fill the vacancy of Full-Time Public Safety Telecommunicator in the Emergency Dispatch Department due to the resignation of Michael Talento; this

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appointment is effective Sunday, May 30, 2004, at the hourly rate of Eleven Dollars and Twenty-nine Cents (\$11.29), payable by weekly; and be it

FURTHER RESOLVED that the Town Board does hereby appoint Michael Talento to fill the vacancy of Part-Time Public Safety Telecommunicator in the Dispatch Department due to the resignation of Brian Freiberger; said appointment becoming effective Sunday, June 13, 2004 and at an hourly rate of Eleven Dollars and Fifteen Cents (\$11.15) payable by-weekly.

Further discussion was held; while Councilman Backman believes the individuals qualify for their positions and he believes in hiring them and would not vote against them, he is voting to adhere to the pay scale as set forth in the union contract. Thereafter, upon roll call, the Board members voted as follows:

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

PARKS AND RECREATION DIRECTOR:

Appointment – Part-time, Seasonal Employee

In behalf of the Parks and Recreation Director Jeffery, the Town Clerk presented the following Resolution for the Board’s consideration; thereafter, Councilman Waszkiewicz introduced the legislation for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 176 OF 2004)

RESOLVED that the New Hartford Town Board does hereby appoint Michael Cortese as a Part-time, Seasonal Park Laborer I for the Parks Department, commencing May 10, 2004 and ending September 30, 2004; at an hourly wage of Seven Dollars and Sixteen Cents (\$7.16), payable bi-weekly:

After some discussion, the Town Board voted upon roll call:

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

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The Resolution was then declared unanimously carried and duly adopted.

TOWN CLERK:

Use of Voting Machines

Town Clerk Gail Wolanin Young presented the May 17, 2004 request from the New York Mills Union Free School for permission to use two (2) Voting Machines at their May 18, 2004 School Budget/Election; due to the time frame, the Town Clerk had granted permission for the machine use. Councilman Waskiewicz presented the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 177 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to New York Mills Union Free School for the use of two (2)Town voting machines retroactive to their May 18, 2004 School Budget/Elections with the stipulation that transportation and set-up of the machines had been arranged through Town Voting Machine Custodian Michael W. Jeffery and at no expense to the Town.

The Town Clerk requested a vote upon roll call, which resulted as follows:

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

The Resolution was then declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Items

- *Review of Annual Reassessment Program* – Councilman Waszkiewicz noted that at the May 9, 2004 emergency Town Board meeting it was suggested to create a citizens committee to investigate the methodology that had been embraced and he urged creation of this committee as soon as possible. Councilman Waszkiewicz believes the Town needs to change its direction or use new methodology. He suggested that the Town Board send a letter to the taxpayers reform group asking them to recommend six (6) individuals who are interested in being on the committee, which will also consist of three (3) Town representatives. The Committee would look at the whole process to see which direction to take.

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- Citizen committee on budget process – Regarding this Committee, Councilman Waszkiewicz suggested that six (6) people from the public be selected. The Town Board is requesting that the names of persons for the Assessment Citizens Committee be received by June 2, 2004 but not later than June 16, 2004; and the budget committee names be received by July 7, 2004 but not later than July 21, 2004; persons desiring to be on the committee are to submit their resume. A suggestion was made to also post these committee positions on the Town's Web site. Town Supervisor Humphreys will furnish this information to Webmaster Cathy Lawrence.
- Grant Writers – Councilman Waszkiewicz stated that the Town does have an application from a local gentleman who might be interested. After contacting the O'Connell group, Councilman Waszkiewicz suggested that another option the Town might consider would be to use the O'Connell Group for a shorter time period, possibly with some type of pro-rated value. Councilman Waszkiewicz suggested continuing to look locally for a grant writer.

COUNCILMAN BUTLER:

Current Assessment Program

Councilman Butler stated that four (4) years ago he agreed to sign on to the State's program, but now suggests that the Town get off the Program and he would like Attorney Rossi to contact the Cohoes City Attorney to find out how the City of Cohoes was able to get out of the State's Program. For the Town, the window of opportunity is narrow and must coincide with the State Legislative Session, exploring the timing matter – including the mechanics if the Town were to roll the assessments back (excluding new construction, including the trending and leave data collection alone). Councilman Waszkiewicz suggested that the Town Board discuss this matter with Attorney Rossi when he arrives. Councilman Backman favors getting out of the program but understands the Town would have to undergo a town-wide reassessment.

[NOTE: Assessor Smith joined the meeting at 8:30 P.M., followed by Attorney Rossi at 8:32 P.M.]

A long discussion ensued. Councilman Butler asked Attorney Rossi to contact the Cohoes City Attorney regarding what procedure they followed to roll back their tentative roll. Assessor Smith stated there was political influence in the City of Cohoes and the roll back happened in two (2) months because one member of the legislature lives in the City. Councilman Waszkiewicz was wondering if an equalization rate was imposed. Resident Frank Bonacci asked for an explanation as to what is the equalization rate and Assessor Paul Smith explained this to Mr. Bonacci.

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Nathaniel Richmond, 300 Woodberry Road commended the Town Board and the Assessor for trying to do the right thing with the reassessment program even though it didn't work out the way they thought. Mr. Richmond suggested getting a handle on the bottom line and explain this to the property owners. The residents don't understand the assessment part or the taxation part; they do not make the connection, he said.

Office Space - Assessor

Upon inquiring of Supervisor Humphreys, Assessor Smith explained that his present office space is very small and that the majority of the files are placed on the second floor storage bin in the Sanger Public Works Garage. Maxwell Appraisals should have been in the Sanger building with the Assessor and staff, but space shortage forced Maxwell Appraisal Service staff to an office in Butler Memorial Hall. The Town Supervisor suggested that perhaps space could be rented at the Partlow Building on Campion Road to accommodate the Assessors Office. The Town Supervisor will look into space and costs.

Temporary Board of Assessment Review Members

Supervisor Humphreys reported that six (6) temporary Board of Assessment Review members attended training today at the County, in preparation for Grievance Day. Since Board of Assessment Review member Frank Furno resigned effective May 19, 2004, a Special Meeting at a date and time to be announced will be held to appoint a permanent Board of Assessment Review member.

COUNCILMAN BACKMAN:

Employment Application – Town residents

Councilman Backman suggested that the Employee Handbook be amended to reflect that when an employment application is received from a town resident for a full-time job, the respective department head invite the Town resident for an interview, where practicable, even if their application is lacking in experience or qualifications. This matter will be discussed further at a future Town Board meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL AND OTHER ROUTINE REPORTS:

Audit of Vouchers

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

(RESOLUTION NO. 178 OF 2004)

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

General Fund Whole-Town Abstract No. 25*	\$ 60,896.39
General Fund Whole-Town Abstract No. 26 (Police)	\$ 3,755.21
General Fund Part-Town Abstract No. 14	\$ 1,534.73
Highway Fund Part-Town Abstract No. 11	\$ 53,803.08
Sewer Fund Abstract No. 10	\$204,058.85
Street Light Fund Abstract No. 6	\$ <u>6,906.59</u>
TOTAL:	\$330,954.85

The Town Board withheld two (2) *Maxwell Appraisal Service vouchers. Councilman Waszkiewicz felt that Maxwell fell short on their duties and asked that Attorney Rossi view the vouchers before payment. The voucher received from Navistar is hereby approved and included in the Highway Abstract. Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Part-Time Summer Help - Bookkeeper

The Town Supervisor, on behalf of Bookkeeper Carol Fairbrother, asked the Board to appoint Cheri Fairbrother as a Part-time Seasonal Clerk in July and August 2004 to fill in when the Personnel Assistant, Bookkeeper, Account Clerk and possibly the Supervisor's Secretary are on vacation. Since the position hadn't been posted, Board consensus was to have the Personnel Assistant post the position, place it on the Web Site and contact New Hartford Central School for any possible interested students to fill the position; the matter will be re-addressed at the June 2, 2004 Town Board meeting.

Road Acceptance – Fawncrest Boulevard

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

(RESOLUTION NO. 179 OF 2004)

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WHEREAS, the following documents have been received by Vincent J. Rossi, Jr., Attorney for the Town for the dedication of Merrimac Street and a portion of Fawncrest Boulevard in the Thomas Acres Development:

- Certification of Developer's engineer
- Letter of approval of Highway Superintendent
- Letter of approval by the Town Engineer
- Warranty deed describing the street
- Letter of approval by the Attorney for the Town
- As-built drawings have been delivered
-

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept and dedicate as public highways a portion of Fawncrest Boulevard between the existing dedicated portion of Fawncrest Boulevard and Stanhope Court, measuring approximately seven hundred (700) feet and an approximate sixty (60) foot portion of Merrimac Street, between Stanhope Court and Fawncrest Boulevard, all as fully described in a Warranty Deed dated May 11, 2004; and be it

FURTHER RESOLVED that Attorney Rossi be, and he hereby is, authorized and directed to record the necessary documents relating to public dedication of the aforesaid highway and easements in the Office of the Oneida County Clerk, with the original documents to be returned to and filed permanently with the Town Clerk's Office. This Resolution supersedes the Town Board Resolution No. 133, adopted April 21, 2004.

Upon roll call, the Town board voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Waszkiewicz, seconded by Councilman Butler, the meeting adjourned at 10:32 P.M.

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Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk

Margaret M. Jones
Deputy Town Clerk I