

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, JULY 21, 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 Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

ABSENT: Councilman David W. Butler, who was on vacation

OTHER TOWN OFFICIALS: Codes Enforcement Officer Gerald F. Back
Deputy Town Clerk I Margaret M. Jones and Deputy
Town Clerk II Nancy E. Kneller
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:45 P.M.)

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who is recuperating from surgery, Deputies Jones and Kneller were present to record the proceedings.

MINUTES

June 16 and July 7, 2004 Regular Town Board minutes

Action on these minutes was tabled until the August 4, 2004 Town Board meeting.

PRESENTATIONS:

GRAFFENBURG ROAD FLOODING – JULY 17TH RAINSTORM

Rodger Potocki, 1335 Graffenburg Road, New Hartford addressed the Board on behalf of himself and others in his neighborhood regarding the July 17, 2004 rainstorm and asked for relief assistance from the Town. Mr. Potocki believes there is a direct correlation by the County's neglect to clean the ditches on Graffenburg Road, a county highway, and the flooding that affected properties as a result of this storm. Mr. Potocki and his neighbors have called Oneida County, but can't get past the secretaries; and he implored the Town's intervention in their behalf. He expressed concern about hazardous roads and ditches and Oneida County's refusal to cooperate regarding repairs. The residents are spending their own money on repairs. The Town Supervisor stated that he has also received complaints and would like Mr. Potocki to stay, if possible, and hear from the

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Highway Superintendent regarding this matter. Councilman Waszkiewicz had advised Mr. Potocki that he had contacted the Oneida County Soil & Water Agency regarding the damage to the Graffenburg Road-Tilden Avenue area in hope of a joint effort to solve the problem. Councilman Wazkiewicz will probably have a neighborhood meeting to look at what preventative measures can be taken in the future. Councilman Waszkiewicz believes that the County should come in and patch the road now.

OXFORD ROAD AREA FLOODING – JULY RAINSTORMS

Jack Brunner, 8937 Tibbitts Road, New Hartford, spoke on flooding damages from the Jubilee Estates development that affected the Oxford Road area.

Bryon Rich, 161 Oxford, New Hartford, expressed concern about a series of recent storms and the adequacy of the storm water management system in the Jubilee Estates subdivision. On more than one occasion, water from both Oxford Road and from Jubilee Estates has overflowed Oxford Road, threatening his property. In the most recent storm, were it not for sandbags being placed across his driveway, water would have entered his home. He has a mess, which still has not been cleaned up and he couldn't get anyone to take responsibility for this problem. The Town Supervisor explained that this is the County's responsibility. The Highway Superintendent wrote to the County four (4) years ago regarding this matter, but the County still has not done anything about it. Councilman Backman said he experienced the same problem in his area and had pictures of the storm damage in his area.

Rocco Giruzzi, 20 Gates head, New Hartford has the same problem with run-off from Jubilee Estates, explaining that this time they had mud on their patio and in their garage. Further, a shed in his yard, which is one (1) to two (2) feet off the ground, also had water in it. Mr. Giruzzi would appreciate someone taking care of this matter.

PLEASANT STREET FLOODING – JULY RAINSTORM

Robert Hilton, 1221 1/2 Pleasant Street, New Hartford, estimated Twenty to Thirty Thousand Dollars (\$20,000 - \$30,000) worth of damage to his home when a creek eroded his foundation, leaving the footings exposed. Since he isn't insured for this nor is his property in a flood plain zone, Mr. Hilton sought the Town's assistance since he has no resources, physically or financially, to make repairs. The issue is the stream itself and Mr. Hilton is not sure who has maintenance rights to this creek; culverts drain into this creek. He was informed that the Town must use caution when entering upon private property. Mr. Hilton invited the Supervisor to come to his home to see the problem and expressed his gratitude for the Town's help and assistance to take care of his immediate problems.

ACQUISITION OF POLE BARN (FORMER AGWAY PROPERTY):

Although the Town would be donated a pole barn for cold storage purposes, *Dennis Thompson, 18 Christopher Circle*, New Hartford, didn't believe this would be workable

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since the Town would be expending up to Forty-five Thousand Dollars (\$45,000) to disassemble, transport and reassemble the structure whereas it would cost \$80,000 to construct a new pole barn.

DISPOSITION OF SURPLUS EQUIPMENT/VEHICLES:

Dennis Thompson questioned the Town's policy regarding the sale of used vehicles, believing the Town goes at it "piece-meal". The Town Supervisor explained that the older police vehicles are more popular with "kids" and cab companies. The Supervisor stated that the Town tries to obtain the best price but different types of vehicles have different types of disposal problems.

HIRING PRACTICE:

Dennis Thompson commented that it seems people are put on the payroll before being officially hired. The Town Supervisor explained that the Town had instituted a new application process at the June 16, 2004 Town Board meeting, which should prevent this from happening in the future.

911 / EMERGENCY DISPATCH CENTER:

Vincent Nesci, 8 Imperial Drive, New Hartford, inquired why the Town has their own 911 center and does not utilize the County's, which could save the Town considerable money. He asked for the budget amount to operate the Town's Dispatch Center. Compared to the County's Center, the Supervisor explained that the Town's Dispatch Center offers much quicker service and the Dispatch Center takes police, fire and animal control calls. According to Mr. Nesci, the County Undersheriff said the County does the same thing for Whitesboro, Utica, Yorkville and they could do it for New Hartford. To Mr. Nesci's question about the number of signatures on a petition necessary to bring this to a vote in the November 2004 General Election, he was told about four to five hundred signatures, which is a percentage of how many people voted in the last Gubernatorial Election. Councilman Waszkiewicz will see that Mr. Nesci gets the information he requested. Councilman Backman also explained that he is working with the Bookkeeper to have a cost chart of mandated services versus quality-of-life services.

AGREEMENT – RUNAWAY AND HOMELESS YOUTH PROGRAM:

Kelly Fleming, Director of Youth Services with the Mohawk Valley Community Action Agency, stated that the Town of New Hartford has contracted with this Agency for the past twenty (20) years. The Agency serves as a safe haven for youths who have run away, been thrown out of home, been abused or feel threatened at home. The Runaway and Homeless Youth Program can house youths for thirty (30) days as a safety net with or without parental permission and has volunteers who offer their homes to help out with these children. The Agency operates on a budget from New York State and the Federal Government, but they rely heavily on contractual service payments received from towns they serve. The Town Supervisor asked what the annual budget for this Agency is and was told Eighty-Two Thousand Dollars (\$82,000) for three (3) caseworkers throughout the County who are on twenty-four our call. For every dollar (\$1) the Agency receives,

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the state generates a matching grant of Three Dollars (\$3). Councilman Backman inquired how the Town of New Hartford compares to other towns. Ms. Fleming responded that New Hartford is in the top five (5), but are not the largest. Councilman Backman stated that he cannot fault the program, but he is concerned that the Town of New Hartford get their money's worth from this contract. Ms. Fleming explained that typically this Agency is in the schools and work with them. She stated that they do not work very much with the Police Agencies. Councilman Waszkiewicz stated that percentages are equated, New Hartford is getting a better return on its investment. Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 240 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into to execute a contract with the Mohawk Valley Community Action Agency, which will provide services to New Hartford youths-in-need through the Runaway and Homeless Youth Program during fiscal year 2004 at the annual contract sum of Twenty-five Hundred Dollars (\$2500); and be it further

RESOLVED that, prior to execution of said Contract, Attorney Vincent J. Rossi, Jr., shall review same; and be it further

RESOLVED that the contract sum of Twenty-Five Hundred Dollars (\$2500) shall be charged against General Fund Account No. AA8990.4, as budgeted.

The Resolution was voted on as follows:

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

This Resolution was declared unanimously carried and duly adopted.

SPECIAL COMMITTEE REPORT

ASSESSMENT REVIEW COMMITTEE/BUDGET REVIEW COMMITTEE:

Councilman Waszkiewicz distributed a letter from the New Hartford Residents For Tax Relief naming those citizens who are interested in being appointed to the Assessment Procedure Review Committee and Budget Review Committee.

REPORTS OF TOWN OFFICIALS

AGING – DIRECTOR OF SENIOR SERVICES:

Appointments – Kitchen Assistant/Substitutes

Director of Senior Services Eileen Spellman requested permission to post on the Web site and at New Hartford School for a Kitchen Assistant and Substitute Helpers for this Fall at the New Hartford Adult Dining & Activity Center. The Director also stated that she would need help on the desk probably two (2) days a week. These matters have been discussed with the Personnel Assistant.

Mentoring Program

The Director of Senior Services explained the inter-generational mentoring program at the Center. Thirty-six (36) children signed up for the program and the Town is fortunate to have junior high and senior high school students coming in to help out with the program that helps children improve their math and/or reading skills.

HIGHWAY SUPERINTENDENT:

Surplus Vehicle Sale

Of three (3) vehicles from the Police Department, one will be retained by the Highway Department and the remaining put up for sale. Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 241 OF 2004)

RESOLVED that the New Hartford Town Board does hereby declare the following vehicles as surplus:

<u>Vehicle</u>	<u>VIN</u>	<u>Odometer Reading</u>
1997 Ford Crown Victoria	2FALP71W4VX183681	92,551
2000 Ford Crown Victoria	2FAFP71W6YX175642	99,823

and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to place an Advertisement in the Used-Car Section of The Observer Dispatch for sale of the aforementioned surplus vehicles, with bids to be received until 10:45 A.M. on Monday, August 16, 2004, and opened at 11:00 A.M. in the Town Clerk's Office.

The Resolution was voted on as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Disposition of Scrap/Junk Vehicles

Town Supervisor Humphreys stated there are three (3) junk vehicles that Michael Maxam is interested in purchasing from the Town for a total of Three Hundred Dollars (\$300). The Attorney for the Town did not see a problem with this as long as the cars are noted as “junk” vehicles and are sold “as is”. Upon recommendation of the Town Supervisor, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 242 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby declare as scrap/junk the following vehicles

<u>Vehicle</u>	<u>VIN</u>
1995 Chevrolet Caprice	1G1BL52P4SR147081
1995 Chevrolet Caprice	1G1BL52POSR147059
1995 Chevrolet Caprice	1G1BL52P2SR148777

and does further authorize and direct the Town Supervisor to sell such vehicles “as is” to Michael Maxam, 10 Olena Drive, Whitesboro, New York for the total sum of Three Hundred Dollars (\$300).

The Town Board then voted upon roll call as follows:

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

This Resolution was declared unanimously carried and duly adopted.

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Mason Road – City/Town Improvement

The Highway Superintendent reported that the Town has some property owners who reside on Mason Road and he is presently working with the City of Utica regarding improvements needed as the road is in both municipalities.

Wilcox Property, Sessions Road

The Highway Superintendent reported that estimates for repairs to the Wilcox's property should be available next week. Also it was reported that the pond on Dr. Wilcox's property overflowed during the storm this past weekend. (NOTE: Refer to July 7, 2004 minutes for initial discussion.)

July 17th Rainstorm & Related Damages

Councilman Backman stated Mr. Ballard, Mallory Road, has a stream in his backyard and there is a lot of debris and Councilman Backman inquired if more retention ponds need to be built. The Highway Superintendent responded that this question might be directed to the Oneida County Soil and Water Agency for them to work. Councilman Waszkiewicz has scheduled a meeting for July 28, 2004 at 2:00 P.M. to do site work regarding the flood damage. The Highway Superintendent explained that in 1992 a Town-wide storm water improvement study was completed and the Town has met that storm water management improvement study. Last Saturday's storm was a storm that happens once in a hundred years. It would take a massive amount of money to fully develop the storm water improvement area of the Town to fully control what happened on July 17th. It is Councilman Waszkiewicz' hope that after the meeting he will be able to come back to the Town with suggestions of what can or should be done. The Highway Superintendent said that storm water management should be looked at as a system, not piece-meal each area. Councilman Woodland asked if the Highway Superintendent knows what the County is doing. The County limits itself, said Superintendent Cleveland but he believes the County needs to come into the Town and do repair work. Most of the storm damage occurred in Councilmen Backman and Waszkiewicz' Wards. The Town needs to discuss with its Attorney the criteria for working on people's private property. The Highway Superintendent proposed designating one day next week for pick-up of storm-related trash as most of the damage was in the basement of residences, damaging personal possessions. Residents could be notified of this special trash pick-up through an Observer Dispatch article, the Town's Web site and the local television channel.

The Town received a letter from Levitt & Gordon, attorneys, addressing water run-off problems from the Jubilee Estates development that is affecting properties on Oxford and Kellogg Road and the Oxford Towne development.

Councilman Waszkiewicz has received complaints from Nye Avenue residents. Councilman Waszkiewicz as well as the other Board members complimented the Highway Superintendent, his Deputy and their work crews on their quick response.

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Kellogg Road "TOPS" Plaza – Left Turn Lane

The Highway Superintendent has received a proposal from Lochner in the amount of Five Thousand Dollars (\$5,000) to evaluate Kellogg Road and provide a recommendation whether the Town should create a left turn only lane into "TOPS". Money is in the budget for this study and Councilman Backman urged that the study be done. The Town Supervisor feels that this study should be done in conjunction with the Oneida County who owns Kellogg Road. Highway Superintendent Cleveland said the County is aware of the Town's intent and wants to see the test results. Councilman Waszkiewicz agreed with Councilman Backman. Upon the recommendation of the Highway Superintendent, Councilman Backman moved that the Town Board enter into an agreement with Lochner for a traffic study; seconded by Councilman Waszkiewicz. Further discussion was held in relationship to the property across the street and perhaps dovetailing the cost of this test with this property. Thereafter, Councilman Backman withdrew his motion and Councilman Waszkiewicz withdrew his second to the motion. Highway Superintendent Cleveland said that perhaps it would be better to do the study once school reopens in the Fall, which would benefit the study.

Whitetail Meadows Development

On behalf of owner/developer John Barkett of the Whitetail Meadows development and the work needed to be completed, i.e., topsoil, seed, planting, mulching and flushing of the storm water area, Highway Superintendent Cleveland asked the Board if they would accept a Letter of Credit in the amount of Thirty-Three Hundred Dollars (\$3300) and give the owner until September 30, 2004 time to correct the deficiencies on this property; and if by this time, the work is not complete, the Letter of Credit would be of a sufficient amount to cover the work needed to be completed. Also, the owner has requested that the Town Board grant permission to the Codes Enforcement Officer to issue further building permits for this property with no temporary or permanent Certificates of Occupancy to be issued beyond the one house until the issues covered by the Letter of Intent are satisfied. Councilman Backman has a problem with not issuing a Certificate of Occupancy to some innocent person because of previous problems not being resolved. Further discussion ensued on this request and the cul-de-sac in the development. The Town Supervisor believes these cul-de-sacs are becoming burdens on the Town Parks and Recreation Department that maintains them. Councilman Waszkiewicz stated that if the Town would set up a planned urban development, this would take care of the cul-de-sac issue. On the recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 243 OF 2004)

WHEREAS, the owner/developer of Whitetail Meadows has been requested to complete area road work in this development before any more building permits and certificates of occupancy would be issued; and

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WHEREAS, seeding work, topsoil, planting, mulch fill and flushing of the storm water has begun; and

WHEREAS, the owner/developer would like to have building permits issued for this development, a Letter of Intent in the amount of Thirty-Three Hundred Dollars (\$3300) is being offered as the owner's good intention to complete the necessary work by September 30, 2004;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Hartford hereby agrees to allow Building Permits and Certificates of Occupancy be issued for this Development after September 30, 2004 and if deficiencies within the development are not completely corrected by September 30, 2004, the Town Board of the Town of New Hartford agrees to accept a Letter of Intent in the amount of Thirty-Three Hundred Dollars (\$3300) to be used to correct any of the uncompleted deficiencies.

The Board voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Road Dedication - Applewood Community

Highway Superintendent Cleveland has not heard from the consultant, but hopes to have a report by the August 4, 2004 Town Board meeting relative to the materials used in road construction within the mobile home community.

Authorization To Bid – Sidewalk Project

The Highway Superintendent and Board discussed financing of a Fifty Thousand Dollar sidewalk construction project; Twenty-nine Thousand Dollars (\$29,000) is in the current budget and Sixteen Thousand Dollars (\$16,000) remained in the 2003 Budget and the balance of Five Thousand Dollars could come from contingency. A question and answer period followed Joseph Nesci's question as to why the Town maintains sidewalks; Attorney Rossi suggested that, in the future, the Town could look at the possibility of creating sidewalk districts. Upon the recommendation of the Highway Superintendent, Councilman Woodland presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 244 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford shall receive sealed bids for the replacement of sidewalks, 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, August 13, 2004 and then shall be publicly opened and read aloud at 11:00 A.M. on said date in said Office; and be it

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

Upon roll call, the Town Board voted as follows:

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

This Resolution was declared carried and duly adopted.

Amend the Code, Chapter 113 [VEHICLES AND TRAFFIC] – Stop Sign Legislation

The Town Clerk is preparing the local law; the Town Board anticipates scheduling the public hearing for September 15, 2004.

Higby Road Water District

The Highway Superintendent requested authorization for the Supervisor to sign the contract with Guminiak, subject to the approval of the Attorney for the Town so that the timeline can be met for the grant deadline. The Board has already authorized this. Attorney Vincent Rossi stated that the Archeological Report, which was sent by e-mail to him, could not be opened. Guminiak will resend it to the Attorney Rossi.

Road Dedication - Applewood Community

Attorney Vincent Rossi reported that the gravel is thin in the roads in this mobile home community. It was suggested that the asphalt be removed and the proper depth of gravel be installed or add a further layer of topcoat to the road. Attorney Rossi, who believes this problem can be resolved within a couple weeks, will report back to the Board.

Grievance – Highway Workers

Attorney Rossi had talked with Labor Attorney Peter Jones regarding the Grievance filed by several Highway Department employees. Attorney Jones forwarded his written

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opinion that what the Town is doing is proper with respect to pay for employees with and without a Commercial Driver's License (CDL); and that longevity is separate and not a part of the base pay; that when the town gives a pay raise of three per cent (3%), the Town is not raising longevity pay. Upon recommendation of Attorney Rossi, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 245 OF 2004)

RESOLVED that, based upon the intent of the Teamsters Union Contract, the Town Board of the Town of New Hartford does hereby deny the July 7, 2004 Highway Grievance, received July 12, 2004, with respect to the manner of calculating longevity/pay increase for Highway employees and payment to laborers with a CDL.

The member of the Town Board voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Judd Road Street Lighting

The Town Supervisor received a letter from National Grid requesting that a separate account be set up for the Judd Road Project, i.e., SC3 (unmetered) will be in an SC3 lighting account. The contractor wants the lights on Middlesettlement Road turned on. The Board held a discussion that the account be set up, but the power was not to be turned on until the Town advises National Grid to turn them on or upon the road completion. Upon the recommendation of the Town Supervisor, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 246 OF 2004)

WHEREAS, Resolution Number 154 of 2004 was approved for forty-two (42) 250 High Pressure Sodium lights for the Judd Road Project; and

WHEREAS, National Grid has requested that the Town of New Hartford authorize a separate SC3 lighting account bet set up for the Judd Road Project;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does authorize the Town Supervisor to enter into an agreement with National Grid, formerly known as Niagara Mohawk Power Corporation, to supply electrical energy to the Judd Road Project under a separate SC3 Energy Only lights account under the Town of New Hartford; and be it

FURTHER RESOLVED, that the power to these lights will not be turned on until the Town of New Hartford advises National Grid/Niagara Mohawk or upon completion of the Judd Road Project; and be it

FURTHER RESOLVED, should the Contractor need to have these lights turned on, an Agreement will need to be signed between the Contractor and the Town of New Hartford, that the Contractor will reimburse the Town of New Hartford for the costs incurred to turn these lights on.

The Resolution was voted on as follow:

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

This Resolution was declared unanimously carried and duly adopted.

Storm Water Damage

Attorney Rossi has received several complaints regarding damages from the recent storm. The Highway Superintendent inquired about the guidelines for working off the highway right-of-way and what ramifications the Town might encounter when the Highway Department access private property during extenuating circumstances. Attorney Rossi stated that even though the damages incurred are substantial, he did not feel that the Town is responsible. However, he believes that the Town Board needs to discuss this matter before they do anything; because if the Town takes remedial action, it might appear that the Town is culpable. Perhaps the Town can seek federal assistance because of the number of residents involved. The Attorney advised that the Town not take any action at this time. Attorney Rossi will respond to Mr. Hilton and Mr. Heuman regarding their problems and will send a copy of his letter to the Board Members.

Storm Water Drainage - Jubilee Estates

A further proposal regarding retarding of water is forth coming as per the Highway Superintendent.

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TELECOMMUNICATIONS SUPERVISOR:

Dispatch Center

Telecommunications Supervisor Jeffrey Madden will meet with the insurance adjustor July 22, 2004 to review the expenses incurred as a result of a lightning strike in June; equipment repairs have been completed but there are a few incidentals that he doesn't have. He has received quotes to replace the UPS surge protector units and believes that three (3) or four (4) of these units are needed to protect the equipment and the cost of the units [\$135 from Staples and \$129 from Yorkville Battery] would be charged to Contractual. The Telecommunication Supervisor asked that the Board consider paying the two (2) invoices he has received from JPJ Electronics who has been very expedient and diligent in getting the equipment repaired and/or replaced at their own expense. These invoices will have to be paid no matter what the insurance company determines. Councilman Backman stated that this matter should go through the normal channel.

Appointments – Part-Time Dispatchers

Upon the recommendation of Telecommunicator Supervisor Madden, the following Resolution was introduced for adoption by Councilman Waszkiewicz; seconded by Councilman Woodland:

(RESOLUTION NO. 247 OF 2004)

WHEREAS, vacancies exist for Part-Time Dispatchers (Public Safety Telecommunicators) and funds are available in the current budget;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Vito Sinisgalli, effective August 6, 2004, as a Part-Time Telecommunicator, Michael Geller as a Part-Time Telecommunicator effective July 26, 2004 and Nicholas Morasco as a Part-Time Clerk in the Dispatch Center effective July 26, 2004, in accordance with all New York State Civil Service rules and regulations and contingent upon all three individuals passing the required background investigation; their rate of pay is established at Nine Dollars and Twenty Cents (\$9.20) per hour, payable bi-weekly.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

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Press Release for Speaker Bureau

Councilman Waszkiewicz received from Chief Philo a draft Press Release announcing the Speakers Bureau for the Web site, which Councilman Waszkiewicz will e-mail to the Board members who will review for any changes.

“Pooper Scooper Law”

Councilman Waszkiewicz presented to the Board members on behalf of the Parks and Recreation Director a copy of a legislation proposing that owners or those responsible for dogs in various parks and recreation facilities to cleanup after their pets. The Parks and Recreation Director has spoken to Chief Philo regarding the legislation and Attorney Rossi has reviewed the proposal. The Town Clerk will prepare the legislation in final form and the Town Board anticipates a Public Hearing to be scheduled for mid-September 2004.

Dog Impoundments

The Town Supervisor received a complaint from a resident whose dog was left in the care of a family member and was impounded on a Sunday (July 4th weekend) and was unable to pick up her dog until the following Tuesday because the Town Clerk’s Office was closed due to the July 4th Holiday; thus costing the resident additional fees. The Board Members were given a letter from Stevens-Swan Humane Society regarding Redemption Procedures when an animal is impounded and their license is up-to-date and the Rabies Vaccination is up-to-date. The Town Board asked Chief Philo to check with other towns to see if they have problems with Stevens-Swan Humane Society collecting fees in their behalf for impoundments made on the weekends.

PARKS AND RECREATION DIRECTOR:

Sherrillbrook Park Computer Cable Installation

Upon the recommendation of the Parks and Recreation Director, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 248 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the expenditure of not-to-exceed Six Hundred Seventy-five Dollars (\$675) for the installation and connection of computer cable lines at the Sherrillbrook Park Administrative Office, which funds will be taken from the Parks Account No. A7110.4.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

This Resolution was declared unanimously carried and duly adopted.

Special Committees – Assessment Procedure Review and Budget Review

The Town Supervisor had received a letter from the New Hartford Residents For Tax Reform (NHRFTR), recommending persons to be appointed to serve on the Assessment Procedure Review and the Budget Review Committees. A discussion was held regarding the fact that these Committees need to realize that they need to be responsible to the general public just as the members of the Town Board are. Residents needs to give their addresses and telephone numbers. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 249 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby create a six-member **Assessment Procedure Review Committee** and a five-member **Budget Review Committee** and does further appoint the following Town citizens to serve on these advisory committees, effective immediately:

Assessment Procedure Review Committee

Sam Berardino, Chairman
William Aboussleman
Richard Candeloro
Kristine Giotto
William Jenkins
Noreen Roubian

Budget Review Committee

Fred Carville, Chairman
David Antanavige
Russell Cerminaro
Joseph Nesci
Herbert Usenheimer

The Resolution was voted on as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSENT

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

This Resolution was declared unanimously carried and duly adopted.

TOWN CLERK:

LGRMIF GRANT

Deputy Clerk Jones presented the Town Clerk's recommendation to accept a Grant for the New York State Archives. Thereafter, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 250 OF 2004)

WHEREAS, the Town Clerk has received notification from the New York State Archives that the Commissioner of Education is offering a Local Government Records Management Improvement Fund (LGRMIF) grant in the amount of Forty Thousand Seventy-Five Dollars (\$40,075); be it

RESOLVED that the Town Board of the Town of New Hartford does accept the Grant offer and does hereby authorize and direct the Town Supervisor to enter into and to execute the LGRMIF Grant Acceptance Form in the amount of Forty Thousand Seventy-Five Dollars (\$40,075) for Active Files Management.

The Resolution was subject to a vote upon roll call as follows:

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

This Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Agenda items

- *Re-Assessment Time Line* – This is in the preliminary stages and is a learning process. There is no timeline as to when this will be available.

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- Mandated vs. Quality of Life (Taxpayer cost chart) – Bookkeeper Carol Fairbrother is working on this chart.
- Higby Road Water District - The disposition of private systems - need to continue discussion
- Adequate facilities for Assessor – Discussion need to continue on this area.
- Abelove Property Maintenance & Zoning Violations - Councilman Backman wants this resolved and asked what the problem is with serving a Show Cause Order and Attorney Rossi explained that the answer is money. Attorney Rossi would like to file another complaint, but Councilman Backman does not want to do this. To go through Supreme Court would be very expensive and would take six (6) months. Attorney Rossi asked the Board to give him five (5) weeks to file a complaint in Town Court and have Mr. Abelove arraigned in front of a Town Judge. Attorney Rossi feels he can have an answer by August 25, 2004. It was the consensus of the Board to file a claim in Town Court.

COUNCILMAN WASZKIEWICZ:

Agenda items:

- Mohawk Valley Water Authority advisory on emergency notification procedures – Councilman Waszkiewicz will forward to the Town Clerk information on how to advise residents on “Boil Water” advisories.
- Status 501 C 3 for New Hartford Activity Funding Foundation- Councilman Waszkiewicz has spoken with the person who is reviewing the grant for the new bus at the Community Foundation. The request has been presented to the funding committee for review and recommendation.
- Ad hoc committee on the administrative restructuring of the Utica Transit Authority – There is no update on this at present.
- Draft Letter to State Legislators requesting adoption of “Save Our Home” Legislation capping assessment changes – similar to either Florida or Massachusetts Laws – Councilman Waszkiewicz is still working on this matter.
- DOT Highway improvement of the Route 8/Route 12 interchange –Passed a letter around that this is imperative based on a consensus at the last meeting; letter to be signed by all Councilmen and mailed.
- Oneida-Herkimer County Empire Zone Board Update – There is a limited amount of space zoned qualified land available. Reviewing non-certified parcels for possible return to land bank.
- Update on Tax Reduction Initiative- Met with Executive Director of Community Foundation who is still actively interested in assisting in this initiative.
- Status Inter-Town comparison – This information is to be mailed out by Councilman Waszkiewicz.

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. 251 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board and to include the payment to JPJ Electronics in the amount of Fifty-Five Thousand Eight Hundred Thirty-Nine Dollars (\$55,839) for equipment purchased and installed and repairs made to equipment at the Dispatch Center in the Jerome Madden Justice Building:

General Fund Whole-Town Abstract No. 35	\$ 43,661.94
General Fund Whole-Town Abstract No. 36	\$ 5,259.32
General Fund Part-Town Abstract No. 19	\$ 14,272.36
Highway Fund Part-Town Abstract No. 15	\$ 7,341.14
Sewer Fund Abstract No. 16	\$ 1,660.36
Street Light Fund Abstract No. 8	\$ 6,347.13
Water Fund Abstract No. 5	\$ 2,023.00
Drainage Fund Abstract No. 6	\$ 3,779.08
TOTAL:	\$ 84,344.33

The Town Board voted upon roll call as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Grant Writer

There is one person interested in the position – Victor Fariello. Councilman Waszkiewicz feels that he is capable. The Board will take this matter under advisement.

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Budgetary Revisions

Town Supervisor Ralph Humphreys presented the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 252 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Bookkeeper Carol Fairbrother to make the following 2004 Budget revisions:

Renovations – Historical Society

Increase Account	A7510.4 Historical Society	\$2,077.60
Decrease Account	A1990.4 Contingent Account	2,077.60

Judd Road Account – Clerk of the Works Engineering Services

Increase Account	A1440.45 CLK Works Orchards	\$5,000.00
Increase Account	A2705.6 Donations/Orchards	5,000.00

The Town Board voted upon roll call as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Teamster Clerk Wages

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

(RESOLUTION NO. 253 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does authorize the Bookkeeper/Payroll Clerk to change the hours of Teamster member, Highway Clerk Candy Currier from two hundred sixty-one and one-quarter (261.25) days back to two hundred sixty (260) days.

The Town Board voted upon roll call as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Requests for Proposal – Audit & Annual Financial Report

Upon recommendation of the Supervisor, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

(RESOLUTION NO. 254 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Bookkeeper Carol Fairbrother to solicit Requests for Proposal for a one (1) and or two (2) year Audit and Annual Financial Report(s), with the RFPs to be received in the Town Clerk's Office.

Upon roll call, the Town Board Members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Civil Service Payroll Regulations

The Town Supervisor reported that he is personally responsible when there is a violation regarding payroll hours for part-time employees and he feels that the department head should be responsible for any violations. Councilman Waszkiewicz stated that he feels that the Department Heads should be notified of this matter. A further discussion was held and the Attorney for the Town stated that he would like more time to think about this matter and asked the matter be tabled until the next Town Board Meeting.

2005 Budget

The Town Supervisor informed the Board that the Budget Sheets have been distributed to the Department Heads and wanted to know if there were any objections to the way the Town is handling this.

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Road Construction & Inspection

Attorney Rossi distributed a letter regarding the road construction problem and believes that all roads should be inspected from now on before they are installed to prevent any future problems developing similar to in Applewood Community.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Waszkiewicz, seconded by Councilman Woodland, the meeting adjourned at 11:30 P.M.

Respectfully submitted,

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