

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT THE KELLOGG ROAD COMMUNITY CENTER  
BUILDING ON WEDNESDAY, AUGUST 4, 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 David W. Butler  
Councilman Richard B. Woodland, Jr.  
Supervisor Ralph B. Humphreys

**ABSENT:** Councilman John C. Waszkiewicz III and  
Attorney Vincent J. Rossi, Jr., who were on  
vacation

**OTHER TOWN OFFICIALS:** Assessor Paul Smith (arrived at 7:05 P.M.)  
Deputy Town Clerk I Margaret M. Jones and Deputy  
Town Clerk II Nancy E. Kneller  
Highway Superintendent Roger A. Cleveland  
Police Chief Raymond Philo (arrived 7:55 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 18, 2004 Town Board meeting.

**PRESENTATIONS**

**CHARLES T. SITRIN HEALTHCARE CENTER -**

Richard Wilson, Executive Director of the Charles Sitrin Healthcare Center, presented information for new plans for the facility. Mr. Wilson requested a letter from the Town Board to be addressed to the Oneida County Industrial Development Agency recommending that the Sitrin Healthcare Center be granted tax-exempt status even if the facility deviates from its present use as a long-term care and short-term rehabilitation center. By approving tax-exempt status for the expansion, the Town will receive economic and other benefits in lieu of tax revenue; also a fire pond, water pump and an additional Five Hundred Thousand (\$500,000) in payroll will be a benefit to the Town. No action was taken due to the absence of Councilman Waszkiewicz. Patricia Brombacher will be present at the August 18, 2004 Town Board Meeting to answer any

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questions and offer additional information.

**REPORTS OF TOWN OFFICIALS**

**ASSESSOR:**

**2004 Assessment Grievance Summary**

- 1340 Filed
- 511 Reduced
- 270 Small Claim
- 100 more than 2003

Town Assessor Paul Smith has asked that the judge start hearings the third week of August, 2004.

**Charles Sitrin Home Construction**

Councilman Woodland asked Assessor Smith whether he has heard of any deviation from **PILOT (Payment in Lieu of Taxes)** regarding OCIDA and the Charles Sitrin Healthcare Center. Assessor Smith had not heard of this and has not seen any business plans on this construction project. Councilman Backman asked Assessor Smith what portion would be tax exempt due to rehabilitation and which part would not be. Assessor Smith suggested that the Town Board speak to the Attorney Rossi as to what variation would be attainable. Town Board consensus was not to act until determination from counsel on whether the Sitrin facility needs to file a new application. Assessor Smith said if they do meet deviation, then they will not need to file new application.

**Wages – Board of Assessment Review (Temporary Members)**

After discussion, the Town Board concurred that the temporary members of the Board of Assessment Review would be paid Ten Dollars (\$10) per hour as budgeted. Upon request of Councilman Butler, letters will be inserted in their paychecks thanking them for their participation and to show appreciation for their hard work. The Supervisor's Office will prepare these thank you letters

**Office Space & Part-time Data Collector – Assessor's Office**

Assessor Smith requested more space and a part-time employee for data collection. He suggested a person who had worked as a temporary Board of Assessment Review (BAR) member, who has shown interest in this position and is willing to do data collection; this person is willing to take state classes and go to school. A part-time position was taken out of budget last year. Assessor Smith has talked to the Personnel Assistant and if need be, will send a job description for the County Personnel Department to see if there would be any interested persons for this position. Supervisor Humphreys asked about training expenses and the Assessor answered that any tuition would be refunded to the Town if

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this person passes the class; the cost is nominal. A data collection class and office knowledge class would be necessary, spending one (1) day while others may take two (2) or three (3) days. A salary has not been discussed. This temporary BAR member earns Ten Dollars (\$10) an hour; therefore if he is hired for twenty (20) hours a week, his salary would be about Three Thousand Dollars (\$3,000). This person could assist at certain times of year when not doing data collection, then laid off if there is a slack in work but rehired when more work is needed to be done. Councilman Woodland would like this posted to see if anyone else is interested. Councilman Backman agreed not only interested, but more qualified.

**Assessor Budget Revision**

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

**(RESOLUTION NO. 256 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to amend the 2004 Assessor’s budget to provide for a part-time assistant data collector at an hourly wage of Ten Dollars (\$10.00) per hour.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

**HIGHWAY SUPERINTENDENT:**

**Trash Program – Storm water Damage**

Highway Superintendent Cleveland commented that the Trash Program for the residents affected by flooding in July 2004 went very well.

**Retainer – Fifth Garden Park LTD/Parkview Estates development**

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

**(RESOLUTION NO. 257 OF 2004)**

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**WHEREAS**, Fifth Garden Park LTD had provided a retainer of \$43,200 on July 10, 2000 and has now completed the current phase of development in the Parkview Estates mobile home park on Middlesettlement Road;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct Bookkeeper Carol Fairbrother to return the retainer of Forty-three Thousand Two Hundred Dollars (\$43,200) to Fifth Garden Park LTD.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

**Road Dedication - Applewood Community**

The Highway Superintendent stated that no final agreement has been made regarding the Applewood Road dedication.

**Creation of Two (2) Heavy Equipment Operator Positions**

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

**(RESOLUTION NO. 258 OF 2004)**

**WHEREAS**, in converting their records from paper to computerization, the Oneida County Personnel Department has reported that the Town was lacking two (2) Heavy Equipment Operators in the Highway Department;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby establish two (2) additional full-time Heavy Equipment Operator positions to be in conformity with New York State Civil Service Rules and Regulations, effective immediately.

Whereupon, the Town Board voted upon roll call:

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

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Councilman Backman - Aye  
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted. [ \*Amended 9-1-04]

**July 2004 Storm water Damage – Robert Hilton property**

The Town Supervisor received a letter from Joanne Falkner of the Oneida County Soil & Water Conservation agency regarding Federal moneys for repairs to Robert Hilton's house where flood damage has occurred. Mr. Heuman's house does not qualify for these funds and is not sure the Hilton house would qualify as well. Supervisor Humphreys would like to see the Federal Government pay seventy-five percent (75%) and then someone else pay the twenty-five percent (25%), possibly some other program. Moneys are not available for one (1) family dwelling. The Town Supervisor's office will send a letter to Congressman Boehlert seeking assistance relative to the flood damage to the Hilton residence. Councilman Backman agrees that it is not the fault of the Town and wants to look at what was done in the past with this type of problem. [\*Amended 9-1-04]

**Storm Drainage - Genesee Street Problem**

Councilman Butler asked the Highway Supervisor if anything has been done with the Genesee Street problem and the response was that he is working on it.

**Flooding – Oneida County Soil & Water Conservation**

Councilman Backman would like the Highway Superintendent to look at a specific area with Oneida County Soil and Water because there should be a retention pond; Superintendent Cleveland will send them a letter.

**TOWN CLERK:**

**Use of Town Voting Machines**

The Town Clerk having received on July 29, 2004 a request from the Village of New Hartford, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Backman:

**(RESOLUTION NO. 259 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to the Village of New Hartford to use one (1) Town voting machines for their Special Election on Tuesday, August 31, 2004, with transportation and set-up of the machine to be arranged through Voting Machine Custodian Michael Jeffery, at no expense to the Town of New Hartford.

The Town Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Raffle Consent**

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

**(RESOLUTION NO. 260 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to Alzheimer’s Association of Syracuse and Central New York, 441 W. Kirkpatrick Street, Syracuse, NY 13204 an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILMAN BACKMAN:**

**Disposition of Premises at Southern Reservoir – Zenzillo property**

Councilman Backman asked about the Zenzillo property on Pleasant Street with half of the property in the Town of New Hartford and half in the City of Utica. The Highway Superintendent responded that he has no objection to transfer the land and Attorney Rossi has reviewed the request and recommended the transfer. Thereafter, the following

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Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

**(RESOLUTION NO. 261 OF 2004)**

**WHEREAS**, under Public Authorities Law Section 1226-f, the Mohawk Valley Water Authority must return to the Town of New Hartford and the City of Utica any of the real estate commonly known as the “Southern Reservoir Property” to the extent such property becomes unnecessary for the Water Authority’s operation; and for the reasons more fully set forth in the Mohawk Valley Water Authority’s Resolution 2003-24, copy attached as Schedule “A”;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Town Board of the Town of New Hartford hereby consents that the Water Authority convey directly to Josephine Zenzillo the Parcel “D” in issue, with the title of the property never to pass into the hands of the Town of New Hartford.

**AND BE IT FURTHER RESOLVED THAT THE** Town of New Hartford be held harmless from water runoff or other negative effects that may occur with the creek.

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Assessment Procedure Review Committee**

This Committee seems to be one-sided which does not represent a cross section of the Town. The Town Board is willing to allow this committee to restructure so that lower assessed homes as well as higher assessed homes are represented. This will take work to find residents interested in serving; it was suggested to advertise on the Web site.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL AND OTHER ROUTINE REPORTS:**

**Audit of Vouchers**

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

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**(RESOLUTION NO. 262 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:

General Fund Whole-Town Abstract No. 37	\$ 55,839.00
General Fund Whole-Town Abstract No. 38	\$ 2,361.82
General Fund Whole-Town Abstract No. 39	\$113,099.86
General Fund Whole-Town Police Abstract No. 40	\$ 22,633.94
General Fund Part-Town Abstract No. 20	\$ 2,444.67
Highway Fund Part-Town Abstract No. 16	\$ 31,050.94
Sewer Fund Abstract No. 17	\$ 10,900.58
Drainage Abstract No. 7	\$ 3,487.00
<b>TOTAL:</b>	<b>\$241,817.81</b>

The Town Board voted upon roll call as follows:

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

This Resolution was declared unanimously carried and duly adopted.

**Appointment – Zoning Board of Appeals Member**

Upon recommendation of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland.

**(RESOLUTION NO. 263 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Kristen T. Shaheen as a Member of the Zoning Board of Appeals, retroactive to June 10, 2004 and for a five (5) year term ending June 9, 2009.

The Town Board voted upon roll call as follows:

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



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Supervisor Humphreys - Aye.

This Resolution was declared unanimously carried and duly adopted.

**Plaque for Gazebo**

The contributors of The Gazebo on the Green will present a plaque to the Village and Town of New Hartford on Tuesday, August 31, 2004 at 7:00 PM.

**Town Fire Hydrants**

The Town Supervisor received a letter from the Village of New Hartford stating that the Town Fire Hydrants are now being painted & tested through a Two Thousand Five Hundred Dollars (\$2,500) line item in the Village budget. Daniel Winn has been painting and testing the fire hydrants and is being paid through the Village in the Fire District.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Butler, seconded by Councilman Backman, the meeting was adjourned at 9:02 P.M.

**Respectfully submitted,**

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

**Nancy E. Kneller  
Deputy Town Clerk II**

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Schedule "A"  
(RESOLUTION NO. OF 2004)

Mohawk Valley Water Authority Resolution No. 2003-24  
Re: DISPOSITION OF PREMISES AT SOUTHERN RESERVOIR

WHEREAS, Josephine Zenzillo, the reputed owner of residential premises at 1122 Pleasant Street, in the City of Utica occupied premises belonging to the City of Utica at the Southern Reservoir prior to the time of MVWA's acquisition of the Southern Reservoir property; and

WHEREAS, the premises so occupied by Josephine Zenzillo have been improved by a home and related improvements which encroach on the Southern Reservoir property; and

WHEREAS, the premises so occupied have been surveyed by Anthony R. DeNigro, a licensed surveyor and described in a metes and bounds description attached to this resolution as Parcel "D"; and

WHEREAS, MVWA is prepared to convey the premises described in Parcel "D" to the City of Utica and Town of New Hartford in accordance with Section 1226(f)(5) of the MVWA's enabling legislation in return for the conveyance by Josephine Zenzillo of a parcel of land described in a metes and bonds description attached as Parcel "C" to this resolution located on Pleasant Street which is encumbered by a MVWA easement for a 36 inch drainage culvert; and

WHEREAS, the continued ownership of Parcel "D" will no longer serve the purposes of the MVWA in carrying out its mission; and

WHEREAS, the MVWA must dispose of Parcel "D" under Section 1226(f)(5) of the MVWA's enabling legislation; and

WHEREAS, the MVWA will require the consent of the Mohawk Valley Regional Water Finance Authority to dispose of Parcel "D"; it is

RESOLVED that the MVWA hereby declares that the property described as Parcel "D" attached to this resolution is no longer necessary in fulfilling the purposes of the MVWA and that the said property shall be conveyed to the City of Utica and the Town of New Hartford pursuant to Section 1226(f)(5) of the MVWA's enabling legislation; and it is further

RESOLVED that this resolution shall become effective upon the consent of the Board of the Upper Mohawk Valley Regional Finance Authority to the disposition of Parcel "D",

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upon the conveyance by Josephine Zenzillo (or the true owner) of marketable title to Parcel "C" to MVWA and upon the relocation by the Zenzillos of their existing fence to the new property line; and it is further

RESOLVED that by the adoption of this resolution MVWA does not waive any rights or remedies it may now have or ever had to evict Josephine Zenzillo as a trespasser upon the Southern Reservoir property if the City of Utica and Town of New Hartford refuse to accept Parcel "D" as a disposition of property by MVWA under Section 1226(f)(5) of the Public Authorities Law.

Dated: October 27, 2003