

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD
ON WEDNESDAY, OCTOBER 6, 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 (Out-of-town employment)

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:05 PM)

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

MINUTES

September 1, 2004 Town Board minutes

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. 322 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 **September 1, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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The Resolution was declared unanimously carried and duly adopted.

September 15, 2004 Town Board minutes

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

(RESOLUTION NO. 323 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 **September 15, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

PUBLIC PRESENTATIONS

CONSTITUENT CONCERN –NYS ROUTE 12 SPEED LIMIT & VEHICULAR NOISE

Gerald Collins – 1 Sherman Oaks Drive, New Hartford asked that the Town Board contact the State Department of Transportation to conduct a traffic analysis with the idea of instituting a new speed limit on NYS Route 12 from Sherrillbrook Park to the area of the Utica National Insurance property; currently the speed limit is 55 miles per hour.

Also, since March 2004 Mr. Collins has been working with Police Chief Philo about the noise generated from motorcycles along this same section of NYS Route 12 (aka New Paris Road) – noise has increased through the years. While Chief Philo has been very effective, Mr. Collins understands that the police budget doesn't allow much for traffic enforcement and that the Police Chief often uses grants to address traffic law enforcement.

In behalf of Councilman Butler who was unable to attend this meeting, the Town Clerk read a statement from Councilman Butler: "I regret being unable to attend this meeting due to having to travel out of town due to my job. I understand Mr.Collins' concerns and I would support, with the approval or concurrence or agreement of our Highway and Police Departments, to petition the State to take a look at the speed limit on Route 12

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from Sherrillbrook Park to the Utica National Insurance property. I would also support having both the Highway and Police look at the signage on Genesee Street between Slusser Ave and the Yahnundasis and possibly recommending putting one more 35 mile per hour speed limit sign west of Slusser Ave in the area of Utica National.”

In response to Mr. Collins’ questions, the Town Clerk stated that the Town Board would need to adopt a Resolution requesting a traffic study for the reduction in speed limit and that any increase in budget appropriations for traffic enforcement would need to be approved by the Town Board.

Speed Limit Reduction Request – NYS Route 12 (New Paris Road)

Thereafter, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 324 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby request the New York State Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on NYS Route 12 (aka New Paris Road), a State road, between the area of Sherrillbrook Park northerly a distance of approximately one (1) mile to the intersection of Genesee Street (Utica National Insurance property).

The foregoing Resolution was duly put to a vote upon roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

CONSTITUENT CONCERN – ONEIDA STREET SIDEWALKS

Carol Branner, 3532 Oneida Street, and Christine Geary Zier of 3520 Oneida Street, Chadwicks addressed the lack of sidewalks on the easterly side of Oneida Street between Bleachery Avenue and Red Hill Road. Ms. Branner stated that when she moved into her home in 1976, the Town was paving Oneida Street and covered over the sidewalks, leaving no definition between the road and the sidewalks. She has consulted with Highway Superintendent Roger Cleveland and his predecessor, Frank Ferraro, and has been told there is no money in the budget. Two (2) years ago a petition was submitted by persons who wanted sidewalks. Pedestrians, baby carriages and small children are

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forced onto Oneida Street in order to walk around vehicles parked where sidewalks once were. Ms. Branner was told that the sidewalks would be taken care of this summer; and while she has observed some activity on the west side of Oneida Street, there appears to be no plans for the east side of Oneida Street.

According to the Highway Superintendent, the 2004 Sidewalk Project will commence October 11, 2004 on Grandview Avenue, Arlington Terrace and then Oneida Street, opposite the Branner property. He acknowledged that there is a problem in front of the Branner home; however, the west side of the road is disintegrated – has more frontage; the east (Branner) side has limited area. If the Town Board wants to authorize the money, the Highway Superintendent said the project could continue on the east side of Oneida Street; competitive bids for this project came in much lower than expected so there is money available. The Highway Superintendent suggested an adjustment from the west side to the east (Branner) side where there are some real problems, dangerous; he and Councilman Backman will review on-site and make recommendations for work adjustment.

Sauquoit Creek retaining wall

Ms. Branner's and Ms. Zier's properties border the Sauquoit Creek and the retaining wall built in 1919 is falling down and their land is being eroded. Supervisor Humphreys responded that it's private property and the Town cannot go on private property, that the homeowner is responsible and would have to hire a contractor.

Highway Superintendent Cleveland apprised Ms. Branner that the Sauquoit Creek Basin Commission exists and that this is a problem/project he has put before the Commission for restoration as a capital improvement project. The Town Supervisor noted that this Commission is "...in infancy" and perhaps the Town might be eligible for grants, or perhaps a sidewalk district could be created whereby the district landowners would pay for a contractor to repair the sidewalks and share the cost.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Senior Bus

A grant has been received for the purchase of a new bus to transport senior citizens to and from the New Hartford Adult Dining and Activity Center.

18th Anniversary

A celebration is being planned on Friday, October 15, 2004 to observe the 18th Anniversary of the New Hartford Adult Dining and Activity Center.

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HIGHWAY SUPERINTENDENT:

Water Supply Permit (Higby Road Water District) - Mohawk Valley Water Authority

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

(RESOLUTION NO. 325 OF 2004)

RESOLUTION SUPPORTING THE ISSUANCE OF THE WATER SUPPLY PERMIT TO ALLOW EXPANSION OF THE MOHAWK VALLEY WATER AUTHORITY SYSTEM THROUGHOUT THE MOHAWK VALLEY

WHEREAS, the new water transmission main and other system expansions will provide opportunities for economic development in the Towns of New Hartford, Frankfort, Kirkland, Schuyler, Vernon, Verona, Westmoreland, and Whitestown and solve longstanding water supply problems in those towns; and

WHEREAS, the Mohawk Valley Water Authority(MVWA) was established by the New York State Legislature to create a partnership among the City of Utica and its surrounding towns and villages for water management and administration by fostering intergovernmental cooperation to achieve efficiency and significant financial relief for all involved local governments and residences of the area; and

WHEREAS, in furtherance of these goals, the pending expansion of water mains to service the newly formed Higby Road Water district is essential to the health and well being of the residents of the district, the majority of whom currently have private wells furnishing below acceptable standards of water quality and in some cases, contaminated water; and

WHEREAS, the Town stands to loose essential funding in the event the Permit is not issued in a timely manner, resulting in the inability of the Town of New Hartford to proceed with its current and future plans to extend water to remaining areas of New Hartford in need of potable water; and

WHEREAS, the inability of the Town of New Hartford to provide adequate supplies of potable water to the residents of the Town not currently served by the MVWA will result in stunted residential and building growth and consequently, loss of tax revenues; and

WHEREAS, the New York State Department of Environmental Conservation is presently considering new Water Supply Permits that will allow expansion of the MVWA service areas; and

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WHEREAS, the expansion of the water service areas will support the addition of new businesses and residences to the Town and County tax rolls, increase property values, provide a safe and reliable supply of water to address health and welfare issues, and stabilize water rates for all MVWA customers by spreading costs among a larger customer base; and

WHEREAS, the water transmission main project will improve the reliability of the water supply at the Airport Industrial Park in Whitestown where nearly 4,500 people are employed and also support the creation of an estimated 1,000 new jobs in surrounding communities within the next year; and

WHEREAS, apparently objections have been made to the issuance of a water supply Permit based on extraneous issues unrelated to the conservation and proper use of water resources;

NOW, THEREFORE, BE IT RESOLVED that the Town of New Hartford urges the New York State Department of Environmental Conservation to issue water supply permits so that all water expansion projects, which are so vital to the future economic growth of the Mohawk Valley region, can proceed without delay.

The Town Clerk polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted. The Town Clerk will forward certified copies of this Resolution to the New York State Department of Environmental Conservation, the Mohawk Valley Water Authority, The Canal Corp., Governor Pataki, Assemblyman Townsend and Senator Meier.

Agreement – Health Insurance (Anthony DeCuffa)

Attorney Rossi having prepared an agreement and Anthony DeCuffa having accepted it, the following Resolution was introduced for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 326 OF 2004)

WHEREAS, the Deputy Highway Superintendent several years ago resigned from the Teamsters Union at the request of the Town so he could act in a management capacity,

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i.e., Deputy Highway Superintendent of the Town's Highway Department; and in so doing, he relinquished the right he would have had under the then applicable collective bargaining agreement to receive at Town expense Health Insurance from the date of his retirement through age sixty-five (65); and

WHEREAS, the Town's current personnel policy applicable to all full time employees (whether the employee is management, rank and file, union, or non-union) is to provide health insurance at the Town's expense to employees with twenty (20) years uninterrupted Town employment from age sixty-two (62) and then for life; and

WHEREAS, the Deputy Highway Superintendent is now fifty-five (55) years of age; therefore, if he were to retire between now and age sixty-two (62), he would not be entitled to health insurance at the Town's expense until he reached age sixty-two (62). At age sixty-two (62) he would be entitled to single health coverage from age sixty-two (62) for life, assuming the Town's current personnel policy is continued in effect; and

WHEREAS, the Deputy Highway Superintendent is considering retirement within the next year and would like to obtain health coverage from his retirement to age sixty-five (65), the same benefit he would have been entitled to had he remained in the union. He asks the Town to grant him such coverage in exchange for his surrendering any right to coverage after age sixty-five (65);

NOW, THEREFORE, BE IT RESOLVED that the Town of New Hartford and Deputy Highway Superintendent DeCuffa hereby agree that the Deputy Highway Superintendent does hereby surrender any right he has to receive any kind of health, hospitalization, Medicare Supplement or any other health care related benefit under any existing or future Town policy, Town law, contract, or any other law (common or statutory, State or Federal) for any period following his attaining age sixty-five (65); and be it

FURTHER RESOLVED that, in exchange for such surrender, the Town hereby promises to provide Deputy Highway Superintendent DeCuffa the same health care benefits he would have enjoyed had he remained a member of the union and therefore continued to be covered by the existing collective bargaining agreement in effect between the Town and the Highway Department Union. The promise to provide health care benefits shall be limited to the period from the Deputy Highway Superintendent's retirement through his reaching age sixty-five (65), regardless of any change that might be made in the Highway Department collective bargaining agreement. For example, if Highway Department employees obtain the right to health care benefits beyond age sixty-five (65), the Deputy Highway Superintendent's rights will nevertheless cease at age sixty-five (65); and be it

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YET FURTHER RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into an Agreement with Deputy Highway Superintendent Anthony DeCuffa setting forth the agreements in this Resolution.

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

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

The Resolution was declared unanimously carried and duly adopted.

Stormwater Drainage Improvement Agreement - Refund

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

(RESOLUTION NO. 327 OF 2004)

WHEREAS, Robert Morris of 13 Arbor Drive, New Hartford, had entered into a Stormwater Improvement Purchase Agreement in the amount of Three Hundred Five Dollars and Sixty Cents (\$305.60) with the Town Highway Department on September 15, 2004; and

WHEREAS, Mr. Morris has subsequently decided to cancel the Stormwater Improvement Purchase Agreement for drainage pipe to be installed along the front of his property; and

WHEREAS, the Town of New Hartford Highway Department has not commenced work at the Morris property;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to issue a refund of Three Hundred Five Dollars and Sixty Cents (\$305.60) from the Capital Drainage Account to Mr. Morris.

The Town Clerk polled the Board members, as follows:

Councilman Waszkiewicz	-	Aye
(Councilman Butler	-	ABSENT)
Councilman Backman	-	Aye

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Councilman Woodland - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

Appointments – Part-time, Seasonal Employees

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

(RESOLUTION NO. 328 OF 2004)

RESOLVED that the New Hartford Town Board does hereby appoint Christopher Roberts and Jasmond Davis as Temporary Laborers during the Leaf Collection Pick-up Season in the Highway Department, commencing October 8, 2004 and terminating at the end of the Thanksgiving Day weekend; their hourly wage is hereby established at Eight Dollars (\$8.00), payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

Proposed STOP Sign – Waterford Lane at Pleasant Street

The Town Clerk was asked to amend prior draft legislation amending The Code, Section 113 [Vehicles and Traffic] to include Waterford Lane as a Stop Street and Pleasant Street as a Through Street at the Waterford Lane intersection.

2002 Sidewalk Project Agreement – Refund bid security deposit

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

(RESOLUTION NO. 329 OF 2004)

WHEREAS, D’Amore Masonry had submitted a security deposit of Five Hundred Eighty-six Dollars (\$586) with his successful bid in September 2002 for Sidewalk

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Construction; and

WHEREAS, the Highway Superintendent has reported that the Sidewalk Construction performed by D'Amore Masonry under the 2002 Agreement has been satisfactorily completed and has recommended the release of said company's bid security deposit;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to refund to D'Amore Masonry the sum of Five Hundred Eighty-six Dollars (\$586) from the Trust and Agency Account, which represents the refund of said contractor's bid security deposit.

A roll call vote was duly held and resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Bleachery Avenue Bridge Rehabilitation Agreement – Closeout Documents/Refund

Upon recommendation of Lochner Engineering who was monitoring the Bleachery Avenue Bridge over Sauquoit Creek Project (PIN 2753.55, BIN 2205900), the following Resolution was offered for adoption by Councilman Waszkiewicz and seconded by Councilman Backman:

(RESOLUTION NO. 330 OF 2004)

WHEREAS, on September 28, 2004 Lochner Engineering confirmed to the Town Engineering Department that Delaney Construction Corporation had returned on September 15, 2004 and spread additional topsoil and reseeded the required areas on the Weise property, adjacent to the Bleachery Avenue Bridge; and

WHEREAS, Lochner Engineering has now recommended that the Town refund Delaney's deposit of Fourteen Hundred Sixty Dollars (\$1460) that had been held in lieu of a bond for the Bleachery Avenue Bridge project over Sauquoit Creek;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to refund to Delaney Construction Corporation the sum of Fourteen Hundred Sixty Dollars (\$1460) from the Trust and

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Agency Account and which sum represents a refund of money held in lieu of a bond on the aforementioned project.

The Town Clerk polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Speed Limit Reduction Request – NYS Route 5 (Seneca Turnpike) near Applewood Community

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

(RESOLUTION NO. 331 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby request the New York State Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on NYS Route 5 (aka Seneca Turnpike), a State road, in the vicinity of the Applewood Mobile Home Community.

The foregoing Resolution was duly put to a vote upon roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN & ATTORNEY

COUNCILMAN BACKMAN:

Agenda Items –

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- Public Works Committee recommendations on sidewalks – exchange of ideas e-mailed to Councilman Waszkiewicz; consensus that Highway Superintendent prepare a map identifying the areas in need of sidewalk repair.
- Curbside Trash program enforcement – consensus of Public Works Committee to tighten up enforcement but without an enforcement body/unit to address the problems, anything changed in writing would almost be meaningless. If the Town doesn't hire someone part-time to enforce the rules, it's no good. Discussion and decision for Highway Superintendent to prepare draft and submit to Town Board.
- Dr. Wilcox Water problem timetable – doesn't care who does it – the Town or him – but if he does it, Dr. Wilcox wants to be fully reimbursed and he wants the well installed "...before the snow flies" as he's preparing the Sessions Road house for rent and would lose money if the well isn't installed. The Highway Superintendent said the timeframe was questionable; he will review figures and report to the Town Board.
- Private water systems in Higby Road Water District - Any closer to valuing the private water systems, Councilman Backman asked. Attorney Rossi wrote letter on this last week and perhaps the Highway Superintendent hasn't had time to digest it. Review Attorney's letter and discuss at the October 20, 2004 Town Board meeting. Supervisor Humphreys said the Giottos deeded their Mohawk Street water system to the Mohawk Valley Water Authority and Heron Landing also did.
- TOPS Plaza (Left-turn lane) - believe Town Planner is communicating with the developer and believes a proposal is coming before the Town Planning Board – imminent and a traffic study would be done anyway so wait through December 2004; if nothing done, bring up in January 2005.
- Additional light in Pebble Creek Lane - as to Councilman Backman's inquiry, the Highway Superintendent said he hasn't heard from anyone in that development and assumed the additional light had been installed.

ATTORNEY ROSSI: (Arrived at 8:05 P.M.)

Proposed Water Tower – Higby Road area, Town of Frankfort

The Town Board agreed to wait to review the map for the proposed site of water tower until such time that the NYS Department of Environmental Conservation accepts the Town's application and, at that time, decide whether to exercise the option.

COUNCILMAN WOODLAND:

Proposed Woods Highway Water District

In response to Councilman Woodland's inquiry, the Highway Superintendent stated that according to Congressman Boehlert's Office the Office of Rural Development has no money available this year. Discussion ensued about using moneys in the GEIS water

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account; the Town would need a forty (40) year indebtedness to get bonding down to approximately what it is for the Higby Road Water District. The Highway Superintendent has been in contact with Bond Counsel and he's still working on this.

Traffic Study – Paulevan Place

Having received the vehicular speed study on Paulevan Place from the Police Chief; Councilman Woodland asked to meet with the Highway Superintendent and Police Chief to discuss the results.

PARKS AND RECREATION DIRECTOR:

Agreements – Seasonal Ice Time Rental & Concessions

Having received the necessary Certificates of Liability Insurance, the Parks and Recreation Director recommended the following Resolution that was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 332 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into Agreements with the following organizations for the Winter Season 2004-2005 at the Recreation Center, contingent upon approval of Attorney Rossi who will review the documents:

- New Hartford Youth Hockey Association – Concession
- New Hartford Youth Hockey Association – Ice Rental
- Mohawk Valley Old Timers League – Ice Rental
- Skating Club of New Hartford – Ice Rental
- New Hartford Central School District – Ice Rental

The Town Clerk polled the Board members who voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Appointments – Part-time, Seasonal Employees

Upon recommendation of Parks and Recreation Director Michael Jeffery, the following

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

(RESOLUTION NO. 333 OF 2004)

RESOLVED that the New Hartford Town Board does hereby appoint Brandon Blunt and Shaunna Noggle as temporary Substitute Ice Attendants at the Recreation Center, effective October 11, 2004 and for the duration of the Winter 2004-2005 Ice Season; their hourly wage is hereby set at Five Dollars and Eighty-five Cents (\$5.85), payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

Pooper Scooper Regulations - Signs

In response to Councilman Backman's inquiry, Parks and Recreation Director Michael Jeffery acknowledged that signs informing dog owners of their responsibility to remove their dog(s)' feces have been erected in the Sherrillbrook Park and Washington Mills Athletic Park; in Spring 2005 signs will also be erected at the Sanger Public Works Garage playing fields and the Donovan Memorial Park.

The Town Clerk's Office is also distributing a notice to dog owners who license/re-license their dogs of the new law requiring them to remove their dog(s)' feces and carry appropriate equipment while in the various parks and athletic fields in the Town.

TOWN CLERK:

Fiscal – 2004 Budget Revision

Upon request of Town Clerk-Records Management Officer Gail Wolanin Young, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 334 OF 2004)

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RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to increase the following Accounts for Fiscal Year 2004 as a result of the Town being awarded an Active Files Management Grant by the State Archives and the Town having received half of the Grant amount in August 2004:

- Revenue Account AA3060.0 by the sum of \$20,037
- Records Management Appropriation Account AA1460.2 (Equipment) by the sum of \$20,037.

The Town Board was polled individually and voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Training School – Planning Board

The Town Clerk submitted the request of Planning Board member Jerome F. Donovan to attend two (2) workshops. The following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 335 OF 2004)

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 Planning Board member Jerome F. Donovan to attend the following workshops sponsored by the Cornell Cooperative Extension, Oriskany, New York; with registration expense to be borne by said Town as budgeted:

- October 5, 2004 - General Municipal Law (GML)-239 Referrals
- October 13, 2004 - Introduction to State Environmental Quality Review (SEQR).

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Fiscal - 2005 Tentative Budget

Town Clerk Gail Wolanin Young acknowledged that the 2005 Tentative Budget had been filed in her office on October 6, 2004; the Town Board received copies.

POLICE CHIEF:

Appointment – Part-time Police Officer

Upon recommendation of the Police Chief, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 336 OF 2004)

WHEREAS, a vacancy exists in a Part-time Police Officer position due to the appointment of a Part-time officer to fill a vacant Full-time Police Officer position; and

WHEREAS, interviews have been conducted and the required Personnel Requisition Form has been completed;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Jordan Spinella as a certified Part-time Police Officer effective Sunday, October 17, 2004, at wages commensurate with the current collective bargaining unit; as a Part-time employee. Officer Spinella will be limited to a twenty (20) hour workweek.

The Town Clerk polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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Commendation - NYS "Youth Officer of the Year Award"

Upon recommendation of Police Chief Philo, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 337 OF 2004)

WHEREAS, New Hartford Police Officer/Investigator Richard Salamone has been awarded the **New York State "Youth Officer of the Year Award"** for 2004;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the purchase of a plaque to be presented to Officer Salamone at the October 20, 2004 Town Board meeting in recognition of this prestigious award given by the State of New York Police Juvenile Officers' Association for his achievements in the field of Juvenile Justice.

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

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

The Resolution was declared unanimously carried and duly adopted.

MATTERS SUBMITTED BY COUNCILMEN (CONT'D)

COUNCILMAN BACKMAN:

Agenda items (continued)

- Grant Writer – Councilman Backman presented grant writer name who was successful in obtaining grant funds to update Town of Forestport sewers; Supervisor's secretary to write a letter to this person seeking his input and/or interest in helping the Town and his references.
- Adequate facilities for revaluation (assessment) – discussion with no action on acquisition of the Partlow building, Campion Road
- Vehicle disposition – permission to use E-bay – The Tahoe police vehicle would cost a minimum of \$200 to advertise on E-bay and would increase depending on the sale price. The Highway Superintendent confirmed the 1997 ACO van has been taken off the road and has been transferred to the Sanger Public Works Garage for storage; very feasible to retire this vehicle. Attorney Rossi and the

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Highway Superintendent will draft a policy on how to dispose of equipment/vehicles.

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

(RESOLUTION NO. 338 OF 2004)

RESOLVED that the New Hartford Town Board does hereby declare as “surplus” one (1) 1990 Chevrolet Van, VIN 1GCDG15Z3L7151162, color – blue, originally an Animal Control Office vehicle and subsequently registered and used by the Engineering Department, and does hereby authorize disposition of said vehicle; and be it

FURTHER RESOLVED that said Town Board does hereby authorize and direct the transfer of one (1) 1997 Ford 15V Van, VIN 1FTEE1425VHB74499 from the Animal Control Office to the Highway Department, effective immediately.

Whereupon, the Board voted by roll call:

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

The Resolution was declared unanimously carried and duly adopted.

Abelove property update - Oneida Street, Chadwicks

Upon recommendation of Attorney Rossi, Councilman Backman introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 339 OF 2004)

WHEREAS, Louis C. Abelove, owner of property at 3385 Oneida Street in the hamlet of Chadwicks, has been given ample time by Town Court to clear the aforementioned property of any zoning and/or property maintenance violations, with the deadline of June 2004 now having passed;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct Attorney Rossi to pursue this matter through the Court system.

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The Town Board members voted upon roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Surplus computers – disposition

Councilman Backman would like an inventory of all surplus computers and would like some policy established – equipment to be wiped of town data and perhaps given to churches, civic organizations. Councilman Backman will submit the inventory to the Town Board and to the Town’s Webmaster for posting.

Fiscal – proposed County sales tax increase

A recent newspaper article revealed that Oneida County anticipates increasing the sales tax rate 1.5% so that, if approved by the State Legislature, the rate would be 9.75% on a dollar. He was concerned how this increase might affect the Town’s commercial activity. Councilman Backman will ask the Town Board in the future to have Oneida County “scour” their budget again and consider reducing the potential sales tax as it is detrimental to New Hartford. Councilman Waszkiewicz will craft letters to be directed to State Senator Meier and Assemblyman Townsend because the State Legislature would need to approve this increase and also to petition the state to resolve inequities (Medicaid expenses were pushed to local governments, etc.)

COUNCILMAN WASZKIEWICZ:

Agenda items

- Annexation – Henderson Street corner parcel into New York Mills – Property owner contacted – considering – No confirmation at the time this agenda was printed. Letter from Village of New York Mills affirming their agreement to be given to Town Clerk
- Sidewalk Maintenance Sample Legislation – recommendation forthcoming from Public Works Committee
- Professional Licensing Legislation – recommendation forthcoming from Public Works Committee
- Enforcement of Existing Curbside Brush and Garbage Pickup Regulations – previously discussed at this meeting; recommendation forthcoming from Public Works Committee

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- Lighting legislation – Councilman Waszkiewicz to submit sample legislation to Town Board, suggested review and recommendation from Public Works Committee
- Community Foundation Grant – Supervisor Humphreys will forward a thank you letter to the Foundation for their efforts in securing funds for a new senior bus
- Intermunicipal Comparison – not enough responses in yet; still following up with each Town Supervisor, hopefully answer by November meeting
- Oneida-Herkimer Counties Empire Zone Board Review – submitted last Zone Board agenda and update Zone amendment information to the Town Clerk
- Improve existing Town Offices – Councilman Waszkiewicz had spoken with the Town Clerk about possible re-design and layout of her office once the new times two (x's 2) file cabinets are purchased through the Active Files Management Grant – in an effort to achieve full or greater improvement of office space. Discuss at a future meeting. Dovetails with office space for assessor/revaluation.
- Assessment Roll on Town's Web site - Discussion with Webmaster about posting town assessment roll on website; consensus for Webmaster to proceed with posting.

ATTORNEY ROSSI:

Payroll – Salaried vs Hourly Basis for employee compensation

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

(RESOLUTION NO. 340 OF 2004)*Rescinded on 11-17-04

WHEREAS, in fiscal year 2004, there are twenty-seven (27) pay periods rather than the usual twenty-six (26), so that a *salaried employee* would receive 1/27 of his/her annual salary per pay period and an *hourly employee* simply paid based on the number of hours worked during the year; and

WHEREAS, Supervisor Humphreys met with Attorney Rossi to finalize a policy for the payment of *non-union employees*, i.e., whether an hourly rate should be established and they be paid per hour worked, or rather simply paid an annual salary; and

WHEREAS, it was decided to develop a principled basis for distinguishing between the two (2) categories, starting with the premise that certain supervisory positions clearly should be salaried (e.g., Supervisor, Councilmen, Police Chief) and settling on the concept that a job in which the responsibilities define the hours worked should be salaried and therefore would be included as salaried personnel;

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NOW, THEREFORE, BE IT RESOLVED that, in accordance with Attorney Vincent J. Rossi's letter dated October 6, 2004, the New Hartford Town Board does hereby establish a policy that the following positions shall be *salaried positions*:

- Town Supervisor
- Councilmen (4)
- Town Justices (2)
- Police Chief
- Highway Superintendent
- Deputy Highway Superintendent
- Senior Engineering Technician
- Director of Senior Services
- Director of Parks and Recreation
- Town Planner
- Town Clerk
- Assessor
- Receiver of Taxes and Assessments
- Deputy Receiver of Taxes and Assessments
- Plumbing Inspector
- Voting Machine Custodian

and be it

FURTHER RESOLVED that all other *non-union employees* shall be *hourly employees* whose wages shall be calculated as follows:

- Total annual hours of 1,820 for employees who work a thirty-five (35) hour week
- Total annual hours of 2,080 for employees who work a forty (40) hour week

and be it

YET FURTHER RESOLVED that the Town Board does hereby authorize and direct the Personnel Assistant to update the AMTEK non-union Employee Handbook to reflect the foregoing policy.

The Town Clerk polled the Town Board members who voted as follows:

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

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Supervisor Humphreys - Aye.

The Town Supervisor declared the Resolution unanimously carried and duly adopted.

Litigation – Cifarelli Certiorari Proceeding (Assessment)

Attorney Rossi had distributed a letter to the Town Board providing an update.

Litigation – Sangertown Square Mall Certiorari Proceeding (Assessment)

Attorney Rossi distributed an informational letter distributed and asked the Town Board to review it before the October 20, 2004 Town Board meeting.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 341 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. 48	\$ 1,500.00
General Fund Whole-Town Abstract No. 49	\$ 4,028.56
General Fund Whole-Town Police Abstract No. 50	\$ 16.00
General Fund Whole-Town Abstract No. 51	\$ 5,349.09
General Fund Whole-Town Abstract No. 52	\$ 75,835.88
General Fund Whole-Town Police Abstract No. 53	\$ 18,702.03
General Fund Part-Town Abstract No. 24	\$ 466.00
General Fund Part-Town Abstract No. 25	\$ 2,227.74
Highway Fund Part-Town Abstract No. 20	\$ 291,724.44
Sewer Fund Abstract No. 20	\$ 1,416.90
Sewer Fund Abstract No. 21	\$ 18,523.98
Capital Drainage Abstract No. 11	\$ 6,751.40
TOTAL:	\$ 426,542.02

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

MISCELLANEOUS CORRESPONDENCE & ACTION:

Thank you Letter

Friends of the Library had sent a “thank you” letter for the Town Board allowing their organization to use Sherrillbrook Park for their annual fund-raiser and they complimented the Parks and Recreation Director and his staff for their help.

Appointment – Temporary, Part-time Clerk/Secretarial Pool & Part-time Court Clerk

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

(RESOLUTION NO. 342 OF 2004)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time positions and for the hourly wages set opposite their several names, commencing Sunday, October 2, 2004; all wages to be paid bi-weekly:

NAME	POSITION	DEPARTMENT	RATE OF PAY
Rita M. Owens	Temporary, Part-Time Clerk	Secretarial Pool	\$7.75 per hour
Mary Kennedy	Part-time Court Clerk	Town Court	\$8.25 per hour, prior work experience with Town Court

Mary Kennedy fills the vacancy created by the recent resignation of Mary Bowee.

Whereupon, the Town Board voted upon roll call:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

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Fees – Police Accident Reports

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

(RESOLUTION NO. 343 OF 2004)

WHEREAS, statute allows the New York State Police to charge Fifteen Dollars (\$15) for a copy of a police accident report; and

WHEREAS, local municipalities, whose police staff expend a similar amount of search time and effort in issuing copies of such reports, are allowed to charge only Twenty-five Cents (\$.25) under the Freedom of Information Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby petition the State Legislature to enact legislation enabling local municipalities to charge Fifteen Dollars (\$15) for each copy of a police accident report issued.

The Town Clerk polled the Board members who voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Thank you Letter

Friends of the Library had sent a “thank you” letter for the Town Board allowing their organization to conduct their annual fundraiser in Sherrillbrook Park and complimented Parks and Recreation Director Michael Jeffery and his staff for their assistance.

Requests for Proposal (RFP’s) – Annual Audit

Patrick Tyksinski (low bidder) and Moore and Hart submitted quotes to perform the 2004 and 2005 Annual Audit and to prepare the respective Supervisor’s Financial Reports. Tyksinski submitted \$3975/\$4100 for the 2004/2005 audits/reports while Moore and Hart quoted \$6,000 for each year with an extra \$1,000 for a single year audit that would be necessitated because of the Bleachery Ave bridge reconstruction with federal moneys. Upon recommendation of the Town Supervisor, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

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(RESOLUTION NO. 344 OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept the low bid of Patrick Tyksinski, CPA, in the amount of Three Thousand Nine Hundred Seventy-five Dollars (\$3,975) to conduct the 2004 Annual Audit and to prepare the Supervisor's Annual Financial Report for 2004.

The foregoing Resolution was voted upon by roll call:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Tax-exempt Status - Cedarbrook Village, Inc. (Sitrin Healthcare Complex)

The Town Board received a letter from Attorney Rossi on this proposal. Supervisor Humphreys appointed Attorney Rossi to serve on a committee to meet and discuss this matter with the Sitrin Healthcare representatives. Councilmen Waszkiewicz and Backman volunteered to serve as well, with Councilman Waszkiewicz to chair and organize the committee.

Fiscal - 2005 Tentative Budget

The Supervisor briefly reviewed the 2005 Tentative Budget with the Town Board.

Emergency Center Dispatch Negotiations

There is an impasse on salaries for the Dispatchers; Town Board consensus was to offer a Three Percent (3%) raise.

EXECUTIVE SESSION

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

(RESOLUTION NO. 345 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss acquisition of property and to discuss the Pristera lawsuit brought against the Town.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media and Town Clerk were then excused from the meeting at 10:12 P.M. William Virkler, the Highway Superintendent, Police Chief and Attorney Rossi remained for the Executive Session.

[NOTE: The following transcript was provided by the Town Supervisor on October 7, 2004.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 346 OF 2004)

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 11:25 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Waszkiewicz, seconded by Councilman Woodland, the meeting adjourned at 11:26 PM.

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Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk