

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD
ON WEDNESDAY, NOVEMBER 3, 2004 AT 7:00 P.M.**

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

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

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Codes Enforcement Officer Gerald F. Back
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Police Chief Raymond Philo
Senior Engineering Technician John Meagher
Telecommunicator Supervisor Jeffrey P. Madden
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk II Nancy E. Kneller

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:07 PM)

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

PUBLIC HEARING

7:02 P.M.

**PUBLIC HEARING on 2005 Preliminary Budget &
Special District rates**

The Town Supervisor opened the Public Hearing at 7:02 P.M. and Town Clerk Gail Wolanin Young presented the Notice of Hearing Upon the 2005 Preliminary Budget, Affidavit of Posting, and Proof of Publication (October 28, 2004 edition of the Observer Dispatch). Supervisor Humphreys stated that the purpose of the Hearing was to offer the citizens an opportunity to speak for or against the budget, or any portion thereof.

A representative from the New Hartford Citizens for Tax Reform group, **Fred Carville**, expressed gratitude that the Town Board had appointed residents to

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serve on the Budget Review Committee; this offered an opportunity to meet with the Department Heads that they found to be educational and they were given the opportunity to make comments as well. Mr. Carville distributed copies of their written concerns and comments on the 2005 Preliminary Budget such as:

- an excess of money in reserve in the fund balance
- how can 2005 budget be computed if 2004 expenditures are not finalized
- possible duplication of 9-1-1 Dispatch services when Oneida County offers emergency dispatch services.

The Board explained that fiscal advisors recommend that municipalities have an approximate 15% fund balance; and for those municipalities who depend largely upon sales tax revenue to support their budget, the percentage should be higher. Further, a budget is a “best guess”; invoices/vouchers for expenses incurred in the last quarter of 2004 will still be received in January 2005. Chief Philo answered questions regarding other municipalities using the Town’s 9-1-1 services for which the Town of New Hartford is reimbursed; also, through a Pre-Development Agreement with the Consumer Square developers, a sum of Eighty Thousand Dollars (\$80,000) was contributed toward police expenses. Chief Philo conveyed how important it is to look at expenditures as well as revenues.

Stanley Wiater, 202 Winchester Drive, asked if it is possible for the Planning Department to predict number of building permits to be issued in 2005; he was opposed to the development of Consumer Square Mall.

Sam Berardino, 206 Bittern Court, questioned, “...we look at tax bills, school taxes, so why can’t elected officials get together with others in the State and address getting our fair share of school aid from Albany”. He said, “The Town is doing a good job but nobody likes to pay taxes.”

Scot Owens, 3715 Oxford Road commented that the mood of long-term taxpayers is not good; and based on that, any increase in the tax rate -- even \$.01 per one thousand assessment is not acceptable. Supervisor Humphreys noted that the 2005 Preliminary Budget is a decrease of \$.03 per one thousand dollars of assessment. Councilman Backman added that this is the second consecutive year for budget decrease and that the 2005 over-all budget is only Sixteen Thousand Dollars (\$16,000) more than the 2004 budget. Mr. Owens asked the Town Board to review the budget and consider decreasing the totals.

Relative to the Fire Districts, Supervisor Humphreys reviewed the appropriations:

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- Fire Districts 1 & 2 – contract with the Village of New Hartford and Village of New Hartford Fire Department. Contractual sum of \$415,302, an increase of 7.5% over the 2004 Budget
- Fire District 3 – contract with the Village of New Hartford and Village of New Hartford Fire Department. Contractual sum of \$36,114, an increase of 7.5% over the 2004 Budget
- Fire District 4 – contract with the Willowvale Fire Company, Inc. Contractual sum of \$250,000, an increase of 92.3% over the 2004 Budget due to construction of their new firehouse. There will be debt reduction once the new facility is occupied and the old parcels are sold and the proceeds paid toward the debt.
- Fire District 5 – contract with the Village of New York Mills and Village of New York Mills Fire Department. Contractual sum of \$5,928, an increase of 9.4% over the 2004 Budget.

Shirley Riggles, 18 Golf Avenue, would like to see a salary established for Attorney Rossi rather than paying him on an hourly basis. She also suggested using the County Sheriff's Department for security at Sangertown Square Mall to reduce the number of Town police hours and also consider using Oneida County's 9-1-1 system rather than the Town's. She opposed granting the Sitrin Healthcare's Cedarbrook project tax-exempt status..

There being no one further to be heard, Supervisor Humphreys closed the Public Hearing at 8:23 P.M.

2005 Preliminary Budget

Based upon the residents concerns, Councilman Waszkiewicz suggested reviewing the 2005 Preliminary Budget again with diligence, meeting with Department Heads to determine if any budget items can be reduced. Councilman Butler agreed with Councilman Waszkiewicz but was skeptical about taking anything out of the fund balance, particularly because of the County's increase in sales tax revenue by 1.50% to 9.75%; he believes this may adversely affect sales in the Town which, in turn, would affect the percentage of sales tax revenue that comes back to the Town. Having sat through every meeting with each Department Head and the Citizens' Budget Review Committee, Supervisor Humphreys believed this Budget was as close an estimate of spending for 2005; Councilman Backman agreed. Councilman Backman again mentioned that the tax rate was reduced by almost \$.04/per thousand of assessment but Mr. Carville commented, "...our assessments have increased". Councilman Backman noted that assessments "... are another subject, not the budget". Councilman Woodland thought it prudent to review again. After further discussion, Councilman Waszkiewicz introduced the following Resolution, seconded by Councilman Butler:

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(RESOLUTION NO. 367 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize Councilmen Waszkiewicz and Butler to meet and/or contact the various Department Heads to review their budget requests in an attempt to further reduce spending and the tax rate included in the 2005 Preliminary Budget, without changing the Fund Balance.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared carried and duly **ADOPTED**.

REPORTS OF TOWN OFFICIALS

PARKS AND RECREATION DIRECTOR:

Appointments – Seasonal Employees

Upon recommendation of Parks and Recreation Director Michel Jeffery, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 368 OF 2004)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks & Recreation Department (Winter Recreation Program) commencing November 9, 2004 and ending March 26, 2005; all wages to be paid bi-weekly:

Winter Recreation A7140.11

| <u>NAME</u> | <u>POSITION</u> | <u>RATE OF PAY</u> |
|--------------------|------------------------|---------------------------|
| Jerry Pitarresi | Recreation Director | \$16.85 per hour |
| Gyda Capanna | Recreation Leader | \$15.85 per hour |
| Peggy Brady | Recreation Attendant | \$13.35 per hour |
| Dan Dreimiller | Recreation Director | \$16.35 per hour |
| Mark Pitarresi | Recreation Attendant | \$10.35 per hour |
| Kyle Cunningham | Recreation Attendant | \$10.35 per hour |

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Recreation Center – A7010.14

| <u>NAME</u> | <u>POSITION</u> | <u>RATE OF PAY</u> |
|--------------|-------------------|--------------------|
| Steve Harmon | Sub-Ice Attendant | \$5.85 per hour. |

Whereupon, the Town Board voted upon roll call:

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

The Resolution was declared unanimously carried and duly **ADOPTED**.

VOTING MACHINE CUSTODIAN:

November 2, 2004 General Election

Voting Machine Custodian Michael Jeffery commented that the (Presidential) General Election went smoothly on November 2, 2004, with an eighty percent (80%) voter turnout at the polls.

TOWN CLERK:

Raffle Consent

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

(RESOLUTION NO. 369 OF 2004)

RESOLVED that the New Hartford Town Board does hereby grant permission to the **American Red Cross**, 1415 Genesee Street, Utica, New York, 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 Mall, 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 | - | Aye |
|------------------------|---|-----|

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

The Resolution was declared unanimously carried and duly **ADOPTED**.

ASSESSOR:

Mandatory Notice of Change of Assessment

Assessor Paul Smith brought to the Town Board’s attention that two (2) property owners, one residential and one commercial, have claimed they did not receive the Notice that their assessment would be changed, as required by Section 510 of the Real Property Tax Law; however, this does not invalidate their assessment. Assessor Smith explained after reviewing this matter he believes its possible that the system had skipped these two (2) parcels. Therefore, the Town Board gave authorization to Attorney Rossi to meet with the property owners and report at November 17, 2004 Town Board meeting.

Data Collection – Adequate Office Space

Assessor Smith discussed the process of data collection and the appropriate space needed to perform the work in-house; he sought direction from the Town Board as to content of the (RFP) Request For Proposal.

HIGHWAY SUPERINTENDENT:

Agreement for Legal Services - Higby Road Water District

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

(RESOLUTION NO. 370 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and Attorney for the Town, Vincent J. Rossi, Jr., the latter of whom shall provide legal services related to the Higby Road Water District.

Upon roll call, the Town Board voted as follows:

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

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The Resolution was declared unanimously carried and duly ADOPTED.

MATTERS SUBMITTED BY COUNCILMEN & ATTORNEY

COUNCILMAN WOODLAND:

Agenda items –

- No Outlet sign for Paulevan Place – has been updated by Highway Superintendent prior to this meeting
- Update from Highway Superintendent on Marley Place drainage improvements – had discussed with Highway Superintendent prior to this meeting.

COUNCILMAN WASZKIEWICZ:

Agenda items –

- Annexation to New York Mills, Property on corner of Henderson and Commercial Drive – Property Owner contacted – considering – I am confirming setbacks BY PARCEL AND MUNICIPALITY and if they don't receive any surprises they are inclined to request this annexation.
- Recommendation needed from Public Works Committee
 - Sidewalk Maintenance Sample Legislation
 - Professional Licensing Legislation
 - Enforcement of Existing curbside Brush and Garbage Pickup Regulations
 - Lighting Ordinance
- Grant Writer – Either internally or hiring a grant writer – apply for a Records Management Storage Grant for
 - Police/Courts (Active records)

Town Clerk/Records Management Officer (RMO) Gail Wolanin Young stated that the Police Department had been previously included in the “Active Files Management” Grant that had been awarded to the Town in 2004 and the Police Department will be receiving new state-of-the-art filing equipment. Councilman Waszkiewicz clarified that the grant should be for Town Court.

- Town Clerk (Inactive records) – talked to Grant Writer O'Connell who was successful in obtaining the Town's 2004 Active Files Management Grant. They would charge \$2,000 per grant they write. Grant writer Duke Mosakowski may be interested. The deadline submission is December 1, 2004.

The Town Clerk/Records Management Officer inquired why the Town would apply for an Inactive Records Grant when the Town had applied for and was awarded such a Grant around 1994 and has a Records Center for all departments' inactive records. This is the first she had heard of applying for a second grant in this category. Councilman

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Waszkiewicz responded that the “times two” filing cabinets could be installed at the Records Center. The Town Clerk/RMO commented that the State Archives would not approve a second Inactive Records Grant, particularly with the “times two” filing cabinets being proposed. Currently, inactive records are maintained in one (1) cubic foot boxes that are re-useable; documents are filed/stored by record series, and common year and retention schedules. There is no need for this type of grant and/or filing equipment at an inactive records center.

- Inter-municipal Comparison – Three out of six Towns’ responses are in but still not enough responses to publish – Will follow up with each Supervisor, hopefully by November 17, 2004 meeting.
- Oneida-Herkimer Co. Empire Zone Board Review – November meeting moved to November 9, 2004
- Property Assessments listed on the Town Official website - Timeline for uploading to Web
- Improve existing Town Offices – utilization of **SARA** Grant Funds for Active records management storage equipment - Improvement of working space
- Town Questionnaire – Publish the professionally reviewed and modified questionnaire on the official town Website – discussion. Questions were rewritten says Councilman Backman. Having this questionnaire on the Website a person could answer more than once therefore the Town would have inaccurate results. Perhaps mail or send questionnaire through the Town Crier publication. Councilman Waszkiewicz put out a draft quality survey asking for the Supervisor’s and Councilmen’s comments— from there possibly integrate them to be posted on the Town’s Website.

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

(RESOLUTION NO. 371 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Webmaster James Lawrence to post the quality-of-life questionnaire/survey on the Town’s Website.

Upon roll call, the Town Board voted as follows:

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

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The Resolution was declared carried and duly ADOPTED.

- Letter to State Legislators – Request creation and adoption of tax reform legislation covering:
 - Overall Property Tax Rate Limits
 - Specific Property Tax Rate Limits
 - Caps on assessment increases
 - Limits on General Revenue or Expenditure Increases
 - Circuit breaker programs – this insures property tax does not exceed a certain percentage of household income
- Re-Assessment RFP
 - Review and recommendation
 - In-house oversight, review, and implementation
 - Contractor to quote in phased project – task by task proposal
 - Initial phase, public presentations then data mailers to go out as soon as possible
 - Inequities corrected by some level of town-wide revaluation (TBD)
 - Timing of reassessment implementation decided after data mailer response analyzed
 - Mantron written confirmation they are not interested in quoting at this time

ATTORNEY FOR THE TOWN:

Revised/Draft Addendum – Short Form Agreements for Architectural Services//HBMA

Attorney Rossi distributed copies of the draft addendum to the Agreement with HBMA (Batielle) relative to the study of the Partlow building, seeking the Board's comments. Councilman Waszkiewicz questioned moving expenses, utility connectors and what infrastructure includes.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Hourly vs. Salaried Employees

Councilman Waszkiewicz thought the October 6, 2004 Resolution was to simply crystallize the intent and definition of a salaried employee and an hourly employee based upon their workday; Attorney Rossi's October 1 and October 6, 2004 communications defined the salaried positions. Attorney Rossi explained that an hourly employee must be paid for each hour worked during a year; whereas, salaried employees are "tricky"; for example, if being paid Fifty Thousand (\$50,000) a year, the salaried employee would receive no more, no less. Now because of some quirk in the numbers of pay periods,

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during a year, the salaried employee would not be paid more, says Attorney Rossi. The first (1st) pay period in 2004 was January 1 and actually for work performed in December 2003. Attorney Rossi talked to the NYS Department of Labor, which did not know the answer. Attorney Rossi called an agency in Syracuse who will get back to him. Councilman Waszkiewicz called the State Comptroller who has something in writing and has a training course on this subject because of how complicated it is.

Police Chief Raymond Philo remembered that this issue came up in 1992 and the Town has accurate records on this “lag” pay matter. Between 1991 and 1992, the Police Union filed a grievance and hired a municipal accountant who made a presentation to the Town. Chief Philo suggested that the Bookkeeper be contacted for these records which may be filed with the former Town Comptroller’s files.

Audit of Vouchers

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

(RESOLUTION NO. 372 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. 55 | \$ 69,159.10 |
| General Fund Whole-Town Police Abstract No. 56 | \$ 20,631.25 |
| General Fund Part-Town Abstract No. 27 | \$ 10,789.84 |
| Highway Fund Part-Town Abstract No. 22 | \$ 47,505.07 |
| Sewer Fund Abstract No. 13 | \$ 2,040.56 |
| Capital Drainage Account Abstract No. 13 | \$ 3,001.17 |
| Sessions Road Improvement Abstract No. 4 | \$ <u>1,875.00</u> |
| TOTAL: | \$155,002.48 |

Upon roll call, the Board members voted as follows:

- Councilman Waszkiewicz - Aye
- Councilman Butler - Aye, although he had not reviewed the Abstracts
- Councilman Woodland - Aye
- Supervisor Humphreys - Aye
- Councilman Backman - Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**..

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Oneida County Association of Towns Business Meeting

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

(RESOLUTION NO. 373 OF 2004)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor, the Highway Superintendent and Deputy Highway Superintendent to attend the Oneida County Association of Towns Business meeting on Tuesday, November 16, 2004 in the Town of Steuben, with expenses to be borne by the Town as budgeted.

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**.

Training - ACS Government Systems Conference

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

(RESOLUTION NO. 374 OF 2004)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize Bookkeeper Carol Fairbrother to participate in a one (1) day over-the-phone conference in December 2004 relative to the mandate that municipalities file their W2's electronically; the conference is offered by ACS Government Systems; the cost of One Hundred Seventy-five Dollars (\$175) shall be borne by the Town.

Upon roll call, the Town Board voted as follows:

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

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The Resolution was declared unanimously carried and duly *ADOPTED*.

Flex Hours

Supervisor Humphreys had received a request from Personnel Assistant Barbara Aiello to take a half (1/2) hour lunch break and leave half (1/2) an hour early (3:30 P.M.); the Supervisor had temporarily approved this in September but now Ms. Aiello would like to extend this indefinitely. The Town Board had no objection. Having been a member of the Employee Handbook Committee prepared by AMTEK, Town Clerk Gail Wolanin Young stated that the Handbook allows a Department Head to establish an employee's work schedule that may differ from the normal hours of operation.

EXECUTIVE SESSION

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

(RESOLUTION NO. 375 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of a particular employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy, were then excused from the Town Board meeting at 11:00 P.M.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 376 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:

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| | | |
|------------------------|---|------|
| Councilman Waszkiewicz | - | Aye |
| Councilman Butler | - | Aye |
| Councilman Woodland | - | Aye |
| Councilman Backman | - | 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 Butler, the meeting adjourned at 11:26 PM.

Respectfully submitted,

*Nancy Kneller
Deputy Town Clerk II*

*Gail Wolanin Young, CMC/RMC
Town Clerk*