

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD  
ON WEDNESDAY, NOVEMBER 17, 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:** Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger Cleveland  
(Arrived at 7:15 P.M.)  
Police Chief Raymond Philo  
(Arrived at 9:00 P.M.)  
Telecommunicator Supervisor Jeffrey P. Madden  
(Arrived at 7:15 P.M.)  
Town Clerk Gail Wolanin Young, CMC/RMC and  
Deputy Town Clerk I Margaret M. Jones

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

**MINUTES**

**Salaried & Hourly Employees – Rescind Resolution No. 340 of 2004**

Due to the need to further clarify salaried versus hourly employees, the Town Supervisor presented the following Resolution that was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

**(RESOLUTION NO. 377 OF 2004)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby *rescind* Resolution No. 340, adopted October 6, 2004, in its entirety.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSTAINED (as he was not

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present at this meeting.

Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared carried and duly *ADOPTED*.

**October 6, 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. 378 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the minutes of the Regular Town Board meeting held October 6, 2004, with Resolution No. 340 having been previously rescinded, and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSTAINED (as he was not present at this meeting)
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared carried and duly *ADOPTED*.

**PUBLIC PRESENTATIONS**

**MERIT BADGE – NEW HARTFORD BOY SCOUT TROOP NO. 4:**

The Town Supervisor recognized members of Boy Scout Troop No.4 who were present to complete requirements for a Merit Badge: Matt Perry, Michael Matt, Phil Gonyea, Cody Bonsel, and leaders Brooke Bonsel and Greg Perry.

**MATTER(S) SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**2005 Preliminary Budget:**

Town Supervisor Humphreys stated that Five Thousand Dollars (\$5,000) should be appropriated in the Budget for dog enumeration; the Town Clerk noted that the Town will

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realize *Five Dollars (\$5) for each unlicensed dog identified during the enumeration process* as well as fifty-three percent (53%) of the statutory dog license fee and the entire local fee. As a result of the Town Board authorizing Councilmen Waszkiewicz and Butler to meet again with Department Heads after the November 3, 2004 Town Board meeting in an attempt to further reduce the 2005 Preliminary Budget, the following decreases were offered by Department Heads:

- Highway Department
  - Decrease of \$10,000 in paving
  - Decrease of \$ 3,000 for tires
  - Decrease of \$ 500 from equipment rental
  - Increase of \$ 4,000 for revenue (snowplowing county roads)

Councilman Backman stated that the residents do not see everything that the Town does, but the one thing that the residents do see is the paving. Therefore, Councilman Backman stated he is against removing Ten Thousand Dollars (\$10,000) from the amount budgeted for paving. In response to Councilman Woodland's inquiry, the Highway Superintendent responded affirmatively and that he offered this reduction.

- Assessor Office
  - Decrease of \$500 in contractual expense that would not affect delivery of services
- Codes Enforcement Office
  - Decrease of \$1,000 in contractual expense
- Parks and Recreation Department
  - Decrease of \$9,000 in the Recreation Center equipment line item that would not affect completion of fencing, refrigeration, etc. for an outdoor rink
- Animal Control
  - Increase of \$5,000 for dog enumerator services
- Town Clerk
  - Increase of \$1,000 in revenue resulting from dog enumeration

Councilman Butler reported that neither the Director of Senior Services nor the Town Clerk were able to offer any downward adjustments in their respective budgets, both being "bare-bones".

Fred Carville, 3 Stonebridge Road, and a member of the Citizens Budget Review Committee, asked why the Committee was not asked to set in on these meetings. Councilman Waszkiewicz explained that he had called and talked with Department Heads regarding these budget reductions. Councilman Backman confirmed with Financial Advisor Patrick Tyksinski, who was present, that the Town's surplus saves the

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Town from short-term borrowing, which saves interest and saves the taxpayers money. Mr. Carville further commented that in last year’s budget Twenty-Five Thousand Dollars (\$25,000) was appropriated in anticipation of grants, which did not come through and he made comment that the Board consider budgeting money after the Town is awarded a grant. Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 379 OF 2004)**

**WHEREAS**, a Public Hearing was duly held on November 3, 2004, to consider the adoption of the 2005 Preliminary Budget; and

**WHEREAS**, at the November 3, 2004, Town Board meeting, upon recommendation of the Citizens Budget Review Committee, the Town Board agreed to review the 2005 Preliminary Budget to see if any further reductions could be made;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby adopt the 2005 Preliminary Budget, as revised, as the 2005 Annual Budget as set forth in Schedule “A” annexed hereto and made a part of this Resolution.

A roll call was duly held and resulted as follows:

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

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

**MATTERS SUBMITTED BY SPECIAL COMMITTEE(S)**

**NEW HARTFORD COMMUNITY ENRICHMENT FOUNDATION (501 C 3):**

Nathaniel Richmond, Chairman, reported that the Foundation met November 15, 2004 and received word that the Foundation has received its incorporation documents and are now applying for tax-exempt status. The Foundation is still seeking individuals willing to serve on this Foundation – one (1) or two (2) persons. Mr. Richmond expects by January 2005 that the Foundation will be operating and will be waiting for the tax-exempt status to be approved. Financial Advisor Patrick Tyksinski was complimented for performing a great job for the Foundation. Any Town Board member wishing to be appointed to the Foundation – which is a voting position, should inform the Town Supervisor.

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### **QUALITY OF LIFE SURVEYS/QUESTIONNAIRE:**

Nathaniel Richmond, who had refined the questions on the Quality-of-Life survey, suggested not posting the questionnaire on the Town's Web site for several reasons:

- people from outside the Town can reply to the questionnaire
- some residents do not have computers nor do they have access to a computer
- individuals with a grudge about an issue could continually respond to the questionnaire.

The most reliable way to receive Town residents' responses would be a sample mailing that could be included in the Spring Parks and Recreation activities mailing or the Spring Curbside Trash Collection brochure. The Town Clerk was asked to contact PJ Green advertising for an approximate cost of mailing a two-sided questionnaire to an estimated 8,000 residences.

### **UTICA TRANSIT AUTHORITY (UTA):**

Nicholas Laino, the New Hartford Representative on the Utica Transit Authority (UTA), reported on recent developments affecting the UTA. Fiscal conditions of UTA are not improving and his goal is to continue service in New Hartford. Mr. Laino has met with area transit companies and major changes are needed to improve the fiscal situation. If the Rome Transit Authority and UTA are taken over by the Central New York Regional Transportation Authority (CNYRTA) there will be a Mortgage Receipt Tax (MRT) on properties sold – one-quarter (¼) of one percent (1%) so residents in New Hartford with expensive homes will pay more. Councilman Backman inquired if the Town's annual contribution toward bus transportation services would cease after the merger; Mr. Laino said the UTA is still looking for monetary support at this time. He will bring the Board's comments to the UTA and will report to the Town Board at a future date.

### **MATTERS SUBMITTED BY TOWN SUPERVISOR (CONT'D)**

#### **SPECIAL BOARD MEETING:**

The Town Supervisor announced that a Special Town Board meeting would be held in Butler Memorial Hall on Thursday, November 18, 2004 at 7:00 P.M. to discuss the feasibility of consolidating Town administrative offices in the vacant Partlow Building (Campion Road) and any matters left from tonight's Agenda.

### **REPORTS OF TOWN OFFICIALS**

#### **HIGHWAY SUPERINTENDENT:**

##### **Higby Road Water District - Status**

Burley & Guminiak is finalizing the process to submit necessary documents by the

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December 1, 2004 deadline. \*The requested stormwater management study for the Higby Road area has been provided to Burley & Guminiak as well as various documents and information obtained by the Town Clerk from the Offices of Assessor, Receiver of Taxes and Assessments, and the Accounting Department. The Bond Counsel Agreement is forthcoming and will be forwarded to Burley & Guminiak.

\*Clarification made at 12/15/04  
Town Board meeting; Refer to those minutes

**Pre-Development Agreement and Memorandum of Understanding (MOU)**

The applicant, TS New Hartford Plaza, is proposing additional parking spaces at the Men’s Warehouse Plaza on Commercial Drive, located within a GEIS area, for which the developer has offered Three Thousand Twelve Dollars (\$3,012) for Fees In Lieu of Mitigation. Councilman Waszkiewicz asked if the Town Planning Board had approved the twelve (12) additional parking spaces. After further discussion, a decision was made to wait until the Planning Board reviews the request and then bring the matter back to the Town Board at the December 1, 2004, meeting.

**Agreement – Highway Law, Section 284**

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

**(RESOLUTION NO. 380 OF 2004)**

**RESOLVED** that, pursuant to the provisions of Section 284 of the Highway Law, the Town Board and Highway Superintendent do hereby agree that moneys levied and collected for the repair and improvements of highways, and received from the State or other sources for the repair and improvement of highways, shall be expended as follows:

- 1. IMPROVEMENTS (5112): The sum of Three Hundred Ninety-Seven Thousand Dollars (\$397,000) shall be set aside to be expended for the improvement of Town highways.

The Resolution was then voted upon as follows:

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

Thereafter, the Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

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### **Proposed Stormwater Study – Oxford Road/Castle Estates/Snowden Hill/Kellogg Road area**

The Highway Superintendent met with the Public Works Committee to discuss a stormwater study extending from Snowden Hill Road, north to Kellogg Road as a result of stormwater runoff problems. There is no singular property that causes the problems, rather it appears to be an agglomeration of incremental growth and maintenance issues. From an initial review, it appears that a potential location for managing some of the stormwater within this watershed would be on lands currently being proposed for a subdivision, namely *Longworth Acres*. The *Longworth Acres* developer's engineer, in an engineering report to the Town, indicated that the proposed subdivision would not increase the rate of stormwater runoff from the subdivision lands. Using funds provided by the developer, the Town contracted with its own engineer to review the calculations, and though we do not have a written report as yet, it appears that the conclusion drawn by the developer's engineer may be correct. The developer is currently progressing the review process for the subdivision and if the results of the Snowden/Kellogg Road study were known, and if the study recommends mitigation measures on lands within the subdivision, it would be an opportune time to work with the developer to incorporate those improvements into the development plans. The developer had indicated that he is willing to work with the Town for this regional improvement. The proposal the Town has received to do the Snowden/Kellogg study is from Shumaker Engineering, and it carries a proposed cost of \$24,200. Were the Town to fund the study, I believe the monies could come from the existing bond allocation for stormwater management improvements.

Councilman Backman acknowledged that there are problems in this area and suggested that the costs be shared with the developer. Councilman Butler stated that the Town should check with the developer to see if they would share costs for this study. Councilman Backman will vote to fund the study or specific areas in the study that address those items that the developer has to take care of...retention area to be installed, drainage area, etc. It was the consensus of the Board Members to discuss this matter further at the November 18, 2004 Town Board meeting.

### **Chapman Road Improvements**

Councilman Bachman announced that Oneida County has cancelled hearings on the proposed Chapman Road improvements scheduled for the latter part of this year. Councilman Backman will be having a meeting for affected residents and will open the meeting to those residents in Councilman Waszkiewicz's Ward.

### **Judd Road Connector Project**

The Highway Superintendent and Councilman Waszkiewicz had met with the NYS Department of Transportation regarding the Judd Road project and the recreational trail

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that the Town had agreed to maintain. Councilman Waszkiewicz distributed copies of a map on this project.

**TOWN CLERK:**

**Position Title Change (Sub Clerk)**

Upon recommendation of Town Clerk Gail Wolanin Young, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 381 OF 2004)**

**WHEREAS**, according to New York State Civil Service Rules and Regulations, Part-time Clerks are limited to a twenty (20) hour workweek; and

**WHEREAS**, there are times when it is essential that the Part-time Clerk Andrea K. Toomey work in excess of twenty (20) hours to cover times when Town Clerk employees are on vacation, on sick leave and/or to cover during the busier times in the Town Clerk's Office; and

**WHEREAS**, the Oneida County Personnel Department has approved a new classification entitled "Sub Clerk", such classification being part-time but allowing the employee to work up to full-time hours as needed, as long as there is at least a one week break in between;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby approve a title change for Andrea K. Toomey from Part-Time Clerk to Sub-Clerk effective November 18, 2004.

The Resolution was then voted upon as follows:

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

Thereafter, the Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**TELECOMMUNICATOR SUPERVISOR:**

**Generator**

Telecommunicator Supervisor Jeffrey Madden discussed a generator problem at the

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Jerome K. Madden Public Safety Building. He requested that the Town Board identify funds in the 2005 Annual Budget for the purchase of a larger generator that would be sufficient size to regulate the power in this building when needed in an emergency situation. A larger generator would cost approximately Twenty Thousand Dollars (\$20,000).

### **MATTERS SUBMITTED BY COUNCILMEN**

#### **COUNCILMAN BACKMAN:**

##### **Agenda Items -**

- *Dr. Wilcox's Water Problem* - Councilman Backman believes that the repair work has been completed to the well and the Town Board should expect to receive bills for this work. Councilman Backman does not know the status of the pump. The topsoil did get scraped off the hill. Councilman Butler is not convinced that the Town has caused the water problem.
- *Grant Writer* – Carol Ryan is following up on this matter.
- *Green Waste* - Councilman Backman will discuss this with the Public Works Committee and the Highway Superintendent because some people are being saddled with additional costs.
- *Sidewalks* - Councilman has an enforcement matter to discuss with the Police Chief regarding the Sidewalks on Oneida Street in Chadwicks.

#### **COUNCILMAN WASZKIEWICZ:**

##### **Agenda items –**

- *Annexation – New York Mills, Property on Corner of Henderson and Commercial Drive* – Property owner contacted – still considering – No confirmation at the time of printing the agenda – copy of letter to Benderson to be supplied to the offices of our Town Clerk.
- *Town Questionnaire* – Publish the professional reviewed and modified questionnaire on the official town website.
- *Grant Writer* – Since the SARA grants need to be submitted by 12-01-04 it is impractical to pursue at this time.
- *Green Waste and tree pick up* – After checking with other municipalities, it seems prudent to consider adjusting our pick up policy to eliminate the distinction between home owner and contractor, as long as the material is generated from a resident's yard. It seems appropriate to limit the amount that the town would remove at no charge, as well as, to coordinate dates for acceptable road placement.

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- Recreation path dedication In Honor of Philip Rayhill – NYS DOT has supplied a map that the Councilman showed the Board earlier and seek approval to delivery to Attorney Peter Rayhill. Board consensus for delivery to Peter Rayhill.
- Schedule of Additional Neighborhood Meetings Addressing Quality Of Life Issues – Attached is a schedule and list of some topics to be addressed for the remaining meetings the Councilman is sponsoring.
- Inter-Municipal Comparison – Still not enough responses in yet. The Councilman is still following up with each Supervisor; hopefully information will be available by the December meeting.
- Oneida-Herkimer County Empire Zone Board Review – Submitting last agenda and update Zone amendment information to the Town Clerk.
- Property Assessments listed on the Town Official Website – Time line for uploading to website.
- Improve Existing Town Offices – The Councilman has been informed that the Butler Memorial Trustees have agreed to finance the Design Layout Project.
- Street Light Petition – The Councilman informed the Board that a petition is being circulated for a streetlight to be placed at Taber Road and Tilden Avenue for safety precautions at that intersection. The Petition has not been submitted to the Town yet.

### COUNCILMAN BUTLER:

#### Street Light – Grandview Avenue- Sherman Oaks Development

Councilman Butler stated that the residents of this area would like to have the Town provide an additional streetlight to their area. The Highway Superintendent stated that the Town would need to get the cost estimate from Niagara Mohawk and the cost would be added to that particular Street Light District.

### 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 Backman:

#### (RESOLUTION NO. 382 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:

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General Fund Whole-Town Abstract No. 57	\$ 3,006.10
General Fund Whole-Town (Police) Abstract No. 58	\$ 108.00
General Fund Whole-Town Abstract No. 59	\$ 12,038.78
General Fund Whole-Town Abstract No. 60	\$ 50,848.22
General Fund Whole-Town Abstract No. 61	\$ 7,567.80
General Fund Whole-Town Abstract No. 62	\$ 10,355.95
General Fund Part-Town Abstract No. 28	\$ 108.00
General Fund Part-Town Abstract No. 29	\$ 665.36
Highway Fund Part-Town Abstract No. 232	\$ 12,667.73
Higby Road Water Tank #1	\$ 44,890.00
Sessions Road Project Abstract #5	\$ 1,184.40
Sewer Fund Abstract No. 23	\$ 970.98
Street Light Abstract No. 12	\$ 6,997.31
Capital Drainage Account Abstract No. 14	\$ 2,014.01
Capital Drainage Account Abstract No. 15	\$ 227.12
<b>TOTAL:</b>	<b>\$153,649.76</b>

Upon roll call, the Board members voted as follows:

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

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

**Definition of Salaried vs Hourly Employees**

Discussion ensued on the definition of Salaried versus Hourly employees and which employees were exempt or non-exempt according to the Fair Labor Standards Act. Councilman Waszkiewicz suggested that a staff meeting should be held to keep employees aware of what is taking place and that either Attorney Rossi or Attorney Peter Jones (Union attorney for the Town) be present to answer questions.

**Volunteer & Employee Recognition Luncheon**

After a brief discussion initiated by Supervisor Humphreys, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 383 OF 2004)**

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**RESOLVED** that the New Hartford Town Board does hereby agree to co-sponsor a Volunteer and Employee Recognition Luncheon with the New Hartford Village Board on Wednesday, December 22, 2004 from 11:30 A.M. to 1:30 P.M. at Cavallo's Restaurant.

The Board members were polled individually as follows:

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

Thereafter, the Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**REPORTS OF TOWN OFFICIALS (CONT'D)**

**POLICE CHIEF:**

**Agreement - 2005 Animal Shelter Services**

Upon recommendation of Police Chief Raymond Philo, Councilman Waszkiewicz presented the following Resolution for adoption; duly seconded by Councilman Woodland:

**(RESOLUTION NO. 384 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Animal Sheltering Agreement with the Stevens-Swan Humane Society, Inc. for the period January 1, 2005 – December 31, 2005.

The Resolution was voted upon by roll call as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Agreement - 2005 Child Advocacy**

Upon recommendation of Police Chief Philo, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Butler:

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**(RESOLUTION NO. 385 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Child Advocacy Contract with the Oneida County Department of Social Services, Child Advocacy Center for the period January 1, 2005 – December 31, 2005, in the amount of Sixty-Six Thousand Eight Hundred Thirty-Two Dollars (\$66,832).

The Resolution was voted upon by roll call as follows:

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

Thereafter, the Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Vehicular Parking across Sidewalks in Chadwicks**

Councilman Backman apprised Police Chief Philo that motorists having been parking their vehicles across the sidewalks on Oneida Street, Chadwicks thereby forcing pedestrians into the road. Chief Philo explained that State law prohibits such actions and that warning tickets have been issued and that now the Police Officers will be issuing Parking Tickets. Similar situations exist along a section of Elm Street and in a section of Oneida Street north of Bleachery Avenue.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Woodland, seconded by Councilman Backman, the meeting adjourned at 9:35 PM.

*Respectfully submitted,*

*Gail Wolanin Young, CMC/RMC*  
*Town Clerk*

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