

**SPECIAL MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE DONOVAN COMMUNITY CENTER
BUILDING, ELM STREET, CHADWICKS, IN SAID
TOWN, ON TUESDAY, JANUARY 29, 2002 AT 7:06 P.M.**

The Town Supervisor called the meeting to order at 7:06 P.M. and then led those in attendance in the Pledge of Allegiance. 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

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Sarah A. Long

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

PUBLIC PRESENTATIONS

INSURANCE POLICY RENEWALS:

The Town Supervisor stated that Kemper Insurance, the Town's current insurance carrier, had submitted a policy quote much higher than the Town was prepared to pay; and since mid-January 2002, Bailey & Haskell (agents) contacted an insurance carrier that declined to quote several months ago and has submitted a price around \$30,000 less than the Kemper group.

Robin Lowitz of Bailey & Haskell was present as well as Jack Hunter from J. Hunter Associates, consultant.

Jack. Hunter reviewed a chart of quotes from the Kemper Group, Argonaut and NYMIR and which quotes compares with last years insurance provisions and the two options. Argonaut has requested additional information and has conditions on part of their proposal; they raised questions on sewer and water but have quoted a price. He stated that Argonaut does have higher deductibles.

Robin Lowitz explained that Argonaut is an insurance company that Bailey & Haskell accessed through a managing general agency composed of many employees who've left municipal insurance companies. "All they do is write and quote municipalities," and she said the programs they bring are excellent. She indicated that Argonaut's original quote had excluded sewer and water but with additional information provided on the Town

SPECIAL TOWN BOARD MEETING

January 29, 2002

Page 2

sewer system (the Town owns and maintains), they quoted and because the Town purchases water from the Upper Mohawk Valley Regional Water Board, Ms. Lowitz didn't believe there would be a problem. Based in Texas, Argonaut is rated "A" and has a NYS license for insurance.

The Town Board and Mr. Hunter then reviewed:

- Argonaut's \$1,000 deductible on general liability insurance
- Kemper had no deductible on general liability insurance (4 years of experience/claims)
- Argonaut has a \$10,000 deductible on law enforcement liability
- Kemper had a \$5,000 deductible on law enforcement liability
- Physical damage losses are listed on autos for the last four (4) years
- About a \$3,000 difference between a \$250 deductible and a \$1,000 deductible on auto insurance
- Similarly proper and equipment deductibles have increased in both programs and no big impact based on past experience losses

The Town Supervisor stated the Town has reviewed their fleet and plans to drop collision coverage on about half (½) the vehicles, saving about \$30,000.

The NYMIR proposal came directly from them – not from a broker, and this proposal had to be adjusted by Jack Hunter for "apples to apples" comparison, which increased NYMIR's quote. Subsequently, Ms. Lowitz reviewed their submission and found them to be comparable.

The Board discussion a variety of concerns:

- Purchase \$5,000,000 or \$6,000,000 worth of insurance
- functional replacement costs for some buildings
- market cost to replace vehicles and replacement costs for others.
- co-insurance and problem of not insuring a building for total value
 - if partial loss, only receive a % of loss
 - if total loss, get amount of money needed to replace the building at today's costs
- Argonaut has not waived co-insurance
- Kemper waived co-insurance last year so it's not an "apples to apples" comparison.

During continued discussion, various Board members raised the following concerns:

SPECIAL TOWN BOARD MEETING

January 29, 2002

Page 3

- ask Argonaut to waive the co-insurance requirement
- does Argonaut have questions on parks and recreation activities
- prior to binding, Argonaut needs certain information/documents within 30 days
- Jack Hunter to negotiate co-insurance clause
- Argonaut had concerns with three (3) buildings
 - Discussion of outside appraiser to place value on buildings
- Argonaut's requirement for copies of certificates of insurance
 - adequate additional insured under all contracted services
 - to what degree the town has enforced this
 - construction projects, contractors is their primary area of concern

Attorney for the Town, Vincent Rossi, Jr. stated that liability questions are critical. Jack Hunter had hoped to have everything finalized tonight and had informed the carriers the Town must have proposals tonight as the Town's insurance expires February 1st – they had only two (2) weeks preparation time. He will negotiate regarding the certificates of insurance and requested a couple more days to clear up some matters.

Robin Lowitz emphasized she must have the Town Board's decision by the afternoon of January 31, 2002. She will:

- clarify deductibles like \$10,000 for police liability
- co-insurance
- certificates of insurance naming town as additional insured, etc.
- confirm 1st dollar defense relative to police lawsuits
 - negotiate \$10,000 deductible
 - per occurrence or per charge

Discussion concluded at 8:21 P.M. after which the Town Board agreed to schedule a Special Town Board meeting on Thursday, January 31, 2002 at 12:30 P.M. in the Kellogg Road Community Center Building to finalize the insurance matters.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Senior Wellness Program – Non-Resident Fee

Upon the recommendation of Director of Senior Services M. Eileen Spellman, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

SPECIAL TOWN BOARD MEETING
January 29, 2002
Page 4

(RESOLUTION NO. 51 OF 2002)

WHEREAS, the Town of New Hartford had previously established a One Dollar (\$1.00) fee per individual who participated in the Senior Wellness Program at All-American Fitness, sponsored by the New Hartford Adult & Dining Activity Center; and

WHEREAS, the Senior Wellness Program has been and continues to be attended by many non-resident senior citizens;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby establish the following fee schedule for the Senior Wellness Program, effective February 1, 2002 in order to offset said Program expense:

- \$1.00 per New Hartford senior citizen resident, per session
- \$2.00 per non-Town resident senior citizen, per session.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

MINUTES APPROVAL

Councilman Waszkiewicz then introduced the following Resolution, which was duly seconded by Councilman Woodland:

(RESOLUTION NO. 52 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept and approved as submitted the minutes of the Regular Town Board meeting of **November 7, 2001** and does further waive the reading of same.

The Supervisor polled the Board members who voted as follows:

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

SPECIAL TOWN BOARD MEETING
January 29, 2002
Page 5

Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

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

(RESOLUTION NO. 53 OF 2002)

RESOLVED that the New Hartford Town Board does hereby accept and approve the minutes of the **December 5, 2001** Regular Town Board meeting with the following amendments and does further waive the reading of the same:

- Page 4, last paragraph – “...if any other municipality receives a five (5) year or a lesser franchise, then New Hartford would also be offered that commitment. Ms. Henry stated that she would commit to New Hartford that if a franchise of a lesser term was granted, that New Hartford’s franchise would revert to that same term”
- Page 6, last sentence – “Mr. Purdy feels the Town should not have a ten (10) year contract with *Adelphia*.”
- Page 20, 1st paragraph – “...inventory of the playgrounds and he confirmed that his preliminary assessment would not create any additional cost to the Town
- Page 23, GEIS paragraph –
 - “Joe Yagey reported that the cost to do a full GEIS of the present area....”
 - “...might open up a ‘Pandora’s box’.
- Page 24, 1st paragraph – “...Consultant would look at all studies previously done, taking into account the Committee’s eleven (11) items....”

The foregoing Resolution was voted upon by roll call and resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Councilman Waszkiewicz then introduced the following Resolution, which was duly seconded by Councilman Backman:

SPECIAL TOWN BOARD MEETING
January 29, 2002
Page 6

(RESOLUTION NO. 54 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept and approved as submitted the minutes of the Special (Reorganizational) Town Board meeting of **January 1, 2002** 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	-	ABSENT)
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

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

(RESOLUTION NO. 55 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept and approved as submitted the minutes of the Regular Town Board meeting held **January 2, 2002** and does further waive the reading of the same.

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

AUDIT OF BILLS

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

SPECIAL TOWN BOARD MEETING
January 29, 2002
Page 7

(RESOLUTION NO. 56 OF 2002)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to pay the bills on the following Abstracts that had been duly audited by former Comptroller Patrick Tyksinski:

General Fund, Whole-Town Abstract No. 2/2002	\$ 73,338.24
General Fund, Part-Town Abstract No. 2/2002	\$ 2,589.30
Highway Fund, Part-Town Abstract No. 2/2002	\$ 373,755.04
Water Fund Abstract No. 1/2002	\$ 6,120.17
Street Light District Abstract No. 2/2002	\$ 28.25
Sewer Fund Abstract No. 2/2002	\$ 3,343.01
TOTAL:	\$ 459,174.01

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

WEB SITE CONSULTANT

After discussion about Department Heads wishing to access their respective Web Page to update their calendars and the retention of a Web site consultant, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 57 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with the John Tierney Co., Syracuse, New York, who shall perform services as the Town's Web Site consultant, as more fully defined in their proposal, for an annual sum not to exceed Three Hundred Seventy-five Dollars (\$375.).

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

SPECIAL TOWN BOARD MEETING

January 29, 2002

Page 8

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

The Resolution was declared unanimously carried and duly adopted.

BUDGETARY TRANSFER

Upon recommendation of the Town Bookkeeper, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 58 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Bookkeeper to transfer the sum of Thirty-one Thousand Two Hundred Fifteen Dollars and Ninety-three Cents (\$31,215.93) from Whole-Town General Fund Account A1315.1 (Comptroller Personal Service) to Whole-Town General Fund Account A1010.41 (Town Board Consulting Services).

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

EXECUTIVE SESSION

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

(RESOLUTION NO. 59 OF 2002)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the pending negotiation of the New Hartford Police Benevolent Association union contract.

Upon roll call, the Board members voted as follows:

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

SPECIAL TOWN BOARD MEETING

January 29, 2002

Page 9

Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted. Thereafter, all persons present, including the news media, were excused from the meeting at 8:59 P.M. Those who remained included the Town Clerk and Deputy Town Clerk II, the Town Police Chief and the Attorney for the Town. At 9:40 P.M. the Town Clerk and Deputy were excused from the meeting, with Councilman Woodland to provide information on any action taken.

[NOTE: The following was provided by Councilman Woodland on January 30, 2002.]

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

(RESOLUTION NO. 60 OF 2002)

RESOLVED that the Town Board of the Town of New Hartford does hereby move to come out of Executive Session and to reconvene the regular portion of the Town Board meeting.

The foregoing Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted. The Executive Session ended at 10:14 P.M. and the regular portion of the Town Board meeting was immediately reconvened.

SPECIAL COUNSEL – NEW HARTFORD PBA CONTRACT

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

(RESOLUTION NO. 61 OF 2002)

RESOLVED that the New Hartford Town Board does hereby retain the professional, legal services of Peter Jones, from the law firm of BOND, SCHOENECK & KING,

SPECIAL TOWN BOARD MEETING

January 29, 2002

Page 10

Syracuse, New York, for the purpose of negotiating the New Hartford Police Benevolent Association union contract, at an hourly rate of One Hundred Sixty Dollars (\$160.).

The Supervisor polled the Board members who voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting adjourned at 10:15 P.M.

Respectfully submitted,

*Gail Wolanin Young, CMC/RMC
Town Clerk*