

**SPECIAL MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT BUTLER MEMORIAL HALL  
BUILDING IN SAID TOWN ON SATURDAY,  
DECEMBER 14, 2002 AT 10:00 A.M.**

The Town Supervisor called the meeting to order at 10:00 A.M. and then led those present 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:** Deputy Town Clerk II Sarah A. Long  
Codes Enforcement Officer Gerald Back  
Town Clerk Gail Wolanin Young (In at 11:40 A.M.)

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who had a prior personal commitment, Deputy Town Clerk II Sarah Long was present to record the proceedings.

**MATTERS SUBMITTED BY TOWN SUPERVISOR:**

***Town & Village Inter-Municipal Agreement – Building Codes Enforcement***

Codes Enforcement Officer (CEO) Gerald Back briefed the Board on the proposed Inter-Municipal Agreement between the Town and Village of New Hartford wherein the Town would provide Building Codes Enforcement for the Village beginning with fiscal year 2003. CEO Back stated that New York State has recently enacted an International Building Code that affects every New York State Codes Enforcement Office. This new mandatory Code is a learning process for most Codes Enforcement Officers, which involves a few weeks schooling and a four-hour exam. Effective January 1, 2003 the Village of New Hartford will not have a certified Codes Enforcement Officer although Terrance Martin will continue to enforce zoning matters within the Village. Attorney for the Town, Vincent Rossi, Jr. has met with State Representatives yesterday regarding the matter. CEO Back distributed two (2) proposals that he believes are fair to both the Town and Village.

There was some discussion regarding Proposal #1, which the Town would contract with the Village of New Hartford for the annual sum of Six Thousand Dollars (\$6,000) and it would include that:

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- the Town will administer the Building Codes only for the Village of New Hartford, which includes issuance of Building Permits in regard to all items that pertain to the New York State Building Code.
- Inspect all new structures in accordance with procedures under the New York State Building Code.
- Investigate bona fide complaints in buildings that all under the New York State Building Code.
- Do fire inspections on existing structures, such as public assembly, multi-family and non-residential according to Part 444 of the New York State Building Code.

Codes Officer Back also distributed a draft of the proposed new building permit fees; previously the Town had not established a fee for fire inspections. The City of Utica has paid firemen who perform fire inspections and most cities do charge for fire inspections. This proposed fee would be based upon square footage and the minimum fee would be \$25.00; CEO Back confirmed that the Town Planner has accessed the Internet, researching other municipalities' fee schedules.

Another new permit fee discussed was the Commercial Plan Review Fee. CEO Back reported that his office receives several calls from contractors nation-wide inquiring of the Town's Commercial Plan Review fee. Basically, the Codes Enforcement Office receives plans from contractors and the plans require two (2) weeks to review, consuming time and effort from Codes staff. CEO Back says he has checked with other municipalities and they charge; it is normal for municipalities throughout the country to charge for reviewing plans and CEO Back believed the new fee would help off-set the time expended by staff.

If the Village decides to go with one or both of these proposals, then all fees generated by building permits in the Village are shared between the two municipalities. Supervisor Humphreys wanted additional time to review the proposed fees, to review existing and proposed fees with the Village that will need to accept either Proposal #1 alone or Proposal #1 & #2. The Codes Enforcement Officer was asked to prepare a chart more clearly defining the current and new proposed fees; CEO Back will attempt to have this ready for the December 18, 2002 Town Board meeting and he will meet with Councilman Butler to review the permit fee increases.

CEO Back explained Proposal #2 in which the Town would contract with the Village of New Hartford for the annual sum of Eight Thousand Dollars (\$8,000) and it would include that:

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- enforcing all zoning and Codes for the Village of New Hartford.

CEO Back mentioned that the Village, however, had indicated they would like to keep Terrence Martin as their Zoning Enforcement Officer. He didn't think it was likely that the Village would accept Proposal #2 because of this.

CEO Back initiated discussion on Assistant CEO Joseph Booth's current salary and possible adjustment in 2003. CEO Back believed Mr. Booth, an excellent employee, is underpaid for the amount of education and knowledge acquired over fourteen (14) years. CEO Back recommended that Mr. Booth be given a raise of \$4,000, that he be compensated for the possible heavier workload if the Town does in fact contract with the Village. Supervisor Humphreys feels that the Board should separate Mr. Booth's possible raise and the Village Contract into two Resolutions; Councilman Backman disagreed because the Village hadn't accepted the offer yet.

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

### **(RESOLUTION NO. 495 OF 2002)**

**WHEREAS**, the Town Board of the Town of New Hartford does hereby offer two (2) proposals to the Village of New Hartford regarding the administration and enforcement of the new, New York State Building Code effective January 1, 2003:

#### **PROPOSAL # 1**

- 1) the Town will administer the Building Codes only for the Village of New Hartford, which includes issuance of Building Permits in regard to all items that pertain to the New York State Building Code.
- 2) Inspect all new structures in accordance with procedures under the New York State Building Code.
- 3) Investigate bona fide complaints in buildings that are under the New York State Building Code.
- 4) Do fire inspections on existing structures, such as public assembly, multi-family and non-residential according to Part 444 of the New York State Building Code.

Also, the Village can use the Town of New Hartford Permit Fee Schedule to generate revenue for both municipalities on a 50/50 % ratio. The above proposal could be

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accomplished with an Intermunicipal Agreement between the Village of New Hartford and Town of New Hartford for the sum of \$6,000.00 per year.

**PROPOSAL # 2**

- 1) The Town of New Hartford enforcing all zoning and Codes for the Village of New Hartford for the sum of \$8,000.00 per year.

**WHEREAS**, if the Village accepts Proposal #1 or #2, the Town will not be held responsible for past decisions made by the Village Codes department and that the Town will account for future new construction made effective January 1, 2003; and

**THEREFORE, BE IT, RESOLVED** that the Town Board, after review by Vincent J. Rossi, Jr., Attorney for the Town, will hereby present to the Village of New Hartford the above two (2) proposals.

Upon roll call, the Board members voted as follows:

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

The Town Supervisor declared the Resolution unanimously carried and duly adopted

**Salary Increase – Codes Enforcement Officer Joseph Booth**

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

**(RESOLUTION NO. 496 OF 2002)**

**RESOLVED** that, contingent upon the Village of New Hartford's acceptance of the Inter-municipal Agreement with the Town of New Hartford, which would provide administration and enforcement of the revised New York State Uniform Fire Prevention and Building Code within said Village, the New Hartford Town Board does hereby approve a salary increase of Four Thousand Dollars (\$4,000) for Codes Enforcement Officer Joseph Booth effective January 1, 2003.

Upon roll call, the Board members voted as follows:

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

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

### **MATTERS SUBMITTED BY TOWN SUPERVISOR:**

#### **Year-End Town Board Meeting (Financial)**

Supervisor Humphreys had been informed by Town Clerk Gail Wolanin Young that, since the Town has no Comptroller, the Town Board must convene not more than three (3) days prior to the end of the year to transfer and rollover accounts. [NOTE: Refer to the Rules of Procedure adopted at the Re-organizational meeting in January 2001.]

Discussion ensued with no date set.

#### **Health Insurance – Retired Police Officers**

Supervisor Humphreys initiated a brief discussion on possible future litigation when approximately forty-five (45) police officers retire and may want the Town to pay the full cost of continued health insurance.

#### **Town Court Employees – Section 503; Meal Breaks – Employee Handbook**

Supervisor Humphreys said that the Town Court employees have been getting paid for working seven (7) hours straight, without taking a lunch break and he believes this is illegal and perhaps a liability. This practice is also unfair to every other Town employee who has to clock out on his/her lunch break. Justice Van Slyke contacted the Supervisor and said that this matter will be rectified.

#### **Town Court Clerk-Village Court Clerk**

Currently, the Village of New Hartford is paying Ann Rose \$3800 to be the Village's Court Clerk. Supervisor Humphreys inquired to see how Mrs. Rose separates her Village and Town tasks and Justice VanSlyke told him that there was no way to tell. Justice VanSlyke explained that Mrs. Rose's work for the Village and Town is intermixed throughout the day. Supervisor Humphreys feels that the \$3800 should go to the Town because he feels that Mrs. Rose is working on Village's work on Town time.

### **MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY**

#### **COUNCILMAN WASZKIEWICZ:**

#### **Police Support Staff Wage Parity**

Councilman Waszkiewicz says that the Board members will be receiving, via email, a spreadsheet regarding the years people have worked and figures that are based on their

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pay stubs. He would like the Councilmen to review the spreadsheet for discussion at a later date.

### **Town Board Minutes – Proposed Amendments**

Town Clerk Gail Wolanin Young had furnished Board members with a list of Councilman Waszkiewicz's requested changes to several Board minutes. Councilman Waszkiewicz distributed his handwritten changes, which he believed were substantive. Town Clerk Young did not agree with some of his requested changes. There was brief discussion about each requested change. Councilman Backman inquired to see if the Board had a consensus to amend these items noting, however, that these are the Town Clerk's minutes. The Board agreed that Town Clerk Young has thirty (30+) plus years of experience in preparing minutes and handles them well. Councilman Backman suggests that if there is ever an error in the minutes then perhaps to delete the whole discussion completely. He continued to say that the Town Clerk does not have to write a single word of discussion; all she has to do is notate who's present, motions made, who voted on them and whether it was passed. Councilman Butler differed with Councilman Backman's suggestion about eliminating an entire discussion if it involved a substantial or important topic.

Her prior commitment having ended, Town Clerk Gail Wolanin Young joined the meeting at 11:40 A.M. The Board updated her on the current discussion. Town Clerk Young replied that no Town Clerk is required by law to take verbatim minutes. There was brief discussion on the October 22, 2002 Town Board minutes regarding page 7, 3<sup>rd</sup> paragraph, 5<sup>th</sup> line down; Councilman Waszkiewicz feels that this requested change is substantial. He wanted to change "some road paving" to "some road reconstruction." Councilman Backman says that this does not change the outcome. Town Clerk Young says that she does not agree with this proposed change; she believes that these proposed changes are picky and won't change anything. Councilman Backman intervened saying that Mrs. Young is not obligated to put a single word of discussion in the minutes. There will be times when she will not be getting everything down and that's the way it goes. Town Clerk Young noted that, even if there were an amendment to the minutes, the original minutes are NOT altered; only a notation is made at the bottom of the applicable page. Councilman Butler says that he supports the adding of the amendment at the bottom of the minutes. Town Clerk Young requested that the Town Board enforce their Rules of Procedure relative to the submission of Resolutions before the Board meeting at which action is expected to be taken. Department Heads are supposed to prepare Resolutions and submit them so that the Town Clerk could attach them to the agendas. She says that no one does this. She recalls sending out a memo to all Department Heads stating this procedure but no one complies. She noted that the City of Utica, the Oneida County Legislature and Canadian municipalities will not act on any proposal without having the Resolution to review ahead of time; if no Resolution is submitted, then there is no action. She stated that she and her staff are acting as "authors and journalists".

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Councilman Waszkiewicz inquired whether it was possible to establish a policy where only Resolutions were included in the minutes. Supervisor Humphreys says that he feels discussion should be included. He maintains that by reading previous minutes discussions, he is reminded of things that needed to get done. Councilman Backman did suggest that the Department Heads get the Resolution to the Town Clerk well in advance. Councilman Butler says that there are times when things can come up quickly and there is no time to prepare a Resolution.

Supervisor Humphreys feels that this discussion makes this Board better and closer. To end this discussion, Councilman Backman asked for consensus or a vote on the requested changes. Town Clerk Young stated that it's difficult to support requested changes when two (2) staff members have the same things recorded in their notes. Councilman Waszkiewicz hoped that all Councilmen would say something if there is discussion or matters of substantial nature left out or incorrectly noted. The Town Clerk emphasized that by a Board member – or anyone from the public – saying “for the record”, that does not qualify the comment to be recorded in the minutes.

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

### **(RESOLUTION NO. 497 OF 2002)**

**WHEREAS**, Councilman Waszkiewicz had requested eight (8) changes in three (3) sets of Town Board minutes which he believed were substantial changes; and

**WHEREAS**, after deliberation by the Town Board on the requested changes, said Board agreed to accept four (4) of the eight (8) changes;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby accept and approve the following minutes with the noted changes and does further waive the reading of same:

#### September 18, 2002 Regular Meeting

- Page 4, 3<sup>rd</sup> WHEREAS in Resolution-change “...it was discovered that at the time of issuance...” to read “...it was discovered that after the time of issuance...” and add after the word applicant, “and erroneously issued by the Codes Enforcement Officer.”
- Page 19- Stormwater Management Criteria- 17<sup>th</sup> line down - insert the word “streamlined” before procedure.

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October 22, 2002 Special Meeting

- Page 7 – 3<sup>rd</sup> Paragraph, 5<sup>th</sup> line – change “some road paving” to “some road reconstruction”

November 13, 2002 Special Meeting

- Page 3-4<sup>th</sup> line, that “Cleveland gave him the 75%/25% figures and will get other figures for the Board members”; insert that the “Town Board charged the Highway Superintendent with getting some figures....”

A roll call ensued and was voted as follows:

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

The Town Supervisor declared the Resolution unanimously carried and duly adopted

Supervisor Humphreys thanked the Town Clerk for all the work she does and offered Board assistance to make her job easier; Town Clerk Young reiterated that she would prefer to have the Resolutions before the meeting.

**ADJOURNMENT**

There being no further business to come before the Board, upon motion of Councilman Waszkiewicz and duly seconded by Councilman Butler, the meeting was adjourned at 12:22 P.M.

**Respectfully submitted,**

**Sarah A. Long**  
**Deputy Town Clerk II**