

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL IN THE VILLAGE OF NEW
HARTFORD ON WEDNESDAY, JUNE 18, 2003 AT 7:06 P.M.**

The Town Supervisor called the meeting to order at 7:06 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: Highway Superintendent Roger A. Cleveland and
Deputy Highway Supt. Anthony DeCuffa
Planner Kurt Schwenzfeier
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Nancy E. Kneller

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

MINUTES

May 7, 2003 Regular Meeting

After reviewing minutes that had been mailed to all Board members, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 226 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **May 7, 2003** 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	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	ABSTAINED, because he

did not attend this meeting.

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The Resolution was declared unanimously carried and duly adopted.

June 4, 2003 Regular Meeting

After reviewing minutes that had been mailed to all Board members, Councilman Butler introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 227 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **June 4, 2003** 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	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted.

June 11, 2003 Special Meeting

After reviewing minutes that had been mailed to all Board members, Supervisor Humphreys introduced the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 228 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held **June 11, 2003** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSTAINED, because he
did not attend this special meeting		
Councilman Butler	-	ABSTAINED, because he
did not attend this special meeting		
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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The Resolution was declared unanimously carried and duly adopted.

PUBLIC PRESENTATIONS

ANNEXATION PETITION – THOMAS BEZAK:

Mr. Bezak was not present; however, Supervisor Humphreys and Councilman Waszkiewicz had met with New York Mills Village Mayor Robert Maciol on June 18, 2003 and the consensus reached is that the three (3) separate areas identified for annexation would be incorporated into one (1) procedure, if possible, and to vote separately on the three (3) matters because property owners have to vote on these. Councilman Waszkiewicz intends to go door-to-door in New York Mills for tentative confirmation from the residents.

REPORTS OF TOWN OFFICIALS

TOWN CLERK:

4th of July Fireworks Display

Relative to Resolution No. 216 adopted by the Town Board on June 4, 2003, the Town Clerk has received the Police Chief's written recommendation of approval for the Fireworks Display at the Yahnundasis Golf Club, Seneca Turnpike.

PUBLIC PRESENTATIONS (CONT'D)

RE-ASSESSMENT PROGRAM:

John Collins, 226 Washington Drive, realtor and former Assessor for the Town, acknowledged that many property owners are unhappy with the re-assessment program – not necessarily because of their increased assessment, but because of the wide range of increases and a tremendous differential. Further, property owners have no knowledge of the methodology that Maxwell Appraisal Services is using. He was dissatisfied with Maxwell Appraisal as well and believed that many of the re-assessments might have been done by comparing similar homes in a “drive-by” evaluation without inspecting the interior of a home. Councilman Waszkiewicz will meet with Mr. Collins during the week of June 23, 2003 to discuss this program.

Herbert Cully, 30 Briarwood Lane, also expressed dissatisfaction with Maxwell's appraisals; in the past, the appraisers had assumed he had two (2) floors, never conducting an interior inspection. Mr. Cully believed the Town could abandon the State's re-assessment program, and suggested the Town Board authorize a Town-wide re-assessment.

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Town Board Rules of Procedure - Councilman Excused

In accordance with the Rules of Procedure (Section X.) adopted annually by the Town Board, Supervisor Humphreys excused Councilman Butler from the meeting at 7:31 P.M. for approximately half an hour.

RE-ASSESSMENT PROGRAM (CONT'D):

Discussion continued with remarks that the Board of Assessment Review doesn't convey to the Assessor the reasoning behind their decisions in adjusting or maintaining re-assessment figures. Before embarking on the State's 6-year re-assessment program, the Town's equalization rate was 97.67 in 1998 and had increased to 116.9 in 1999; the equalization rate affects the tax rate. Real estate values are very fluid now....interest rates are extremely low and homeowners are willing to spend more on a home because of the low interest rates.

Councilman Waszkiewicz said the Town wants fair assessments and needs to figure out how to get there – stay with the State's program, or perform a Town-wide re-assessment and then model and trend? Councilman Backman added that if neighborhoods are more than 5% off in sales, the State tells us to go in and re-assess.

[NOTE: The Highway Superintendent and Police Chief joined the meeting at 7:44 P.M.]

Discussion continued with no action being taken.

WEB SITE PROPOSAL:

James and Cathy Lawrence, 67 Imperial Drive, New Hartford, offered to design or re-design the Town's Web Site, with the Town having control of what is added to the Site. The Lawrences will meet with Councilman Backman and Planner Schwenzfeier on Monday, June 23, 2003 at 4:00 P.M. in the Sanger Public Works Garage to discuss this proposal.

REPORTS OF STANDING COMMITTEES

ZONING AND PLANNING COMMITTEE:

Appointments – Zoning Board of Appeals

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

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(RESOLUTION NO. 229 OF 2003)

WHEREAS, the terms of office for Zoning Board of Appeals' members Stephen Welty and Frederick Kiehm had expired June 9, 2003; and

WHEREAS, the Messrs. Welty and Kiehm have indicated their desire for re-appointment;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby re-appoint Stephen Welty and Frederick C. Kiehm each to five (5) year terms as Members of the Zoning Board of Appeals, said appointments being retroactive to June 10, 2003 and ending June 9, 2008.

Upon roll call, the Board 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.

REPORTS OF SPECIAL COMMITTEES

SAFETY COMMITTEE:

Adoption – Health and Safety Manual

The proposed Health and Safety Manual having been reviewed by Attorney Rossi, the Police Chief, Parks and Recreation Director, Deputy Highway Superintendent and Health and Safety Committee members Robert Payne and Ben Benson, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 230 OF 2003)

RESOLVED that, upon recommendation of the Health and Safety Committee, the New Hartford Town Board does hereby adopt the Health and Safety Manual, as presented, effective immediately, to:

- Minimize injury, illness, and property loss or operation interruption caused by accidents

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- To assure safe working conditions for all employees through the use of safety equipment, by proper job instruction, frequent review of safe practices, and proper supervision
- Minimize the undesirable effects of accidents by providing rescue equipment and training, first aid, and medical systems
- Recognize and reward achievements in health and safety planning, management and performance
- Require all department heads to consider it an essential part of their job to administer the safety program and terminate unsafe activities
- Inform all employees that they are required, as a condition of their employment, to follow all established safety practices, and
- Have each Department prepare a definite safety plan to promote safe working practices and bring them to the attention of every employee.

The Town Board then voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted. In behalf of the Town Board, the Personnel Assistant will forward a letter of thanks to the Health and Safety Committee members for their time and dedication to this project.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

TOWN BOARD RULES OF PROCEDURE – DEVIATION:

The Town Supervisor deviated from the Town Board agenda by submitting the following matters for discussion/action.

Taxation – Partial Exemptions for Parents/Grandparents

A brief discussion was held on a provision of the Real Property Tax Law that allows municipalities to provide partial tax exemptions for improvements to property after August 2000 when the improvements are for the sole purpose of a homeowners' parents and/or grandparents to reside on the premises. The partial exemption must be renewed

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every year and the exemption value cannot exceed more than twenty percent (20%) of the total value of the property. Town officials will contact the New Hartford Central School District for their opinion on this matter, with the idea that the Town, School District and Oneida County be unified – either all entities offer the exemption, or all refrain from offering the exemption.

[NOTE: Councilman Butler rejoined the Town Board meeting at 8:13 P.M.]

Economic Development

Councilman Woodland then offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 231 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to attend the June 19, 2003 dinner meeting of the Mohawk Valley Economic Development District, with expenses to be paid by the Town.

A roll call vote ensued:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

Policy – Pick-up of Animals

The Town Supervisor had discussed this topic with the Police Chief, the latter of whom confirmed that the Animal Control department has been overwhelmed for requests to relocate and /or trap wild animals. What originally began as a service to Town residents has now gotten out of control with the number of requests. Traps need to be checked periodically and this has become manpower intensive. The Police Chief submitted a draft revised procedure of what the Animal Control Officer will and won't do; discussion ensued with the Board members.

[NOTE: The Assessor joined the meeting at 8:22 P.M.]

Thereafter, Councilman Butler offered the following Resolution for adoption and Councilman Woodland seconded same:

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(RESOLUTION NO. 232 OF 2003)

RESOLVED that the New Hartford Town Board does hereby adopt, effective immediately, the following Policy by which the Animal Control Officer(s) will operate:

- The Animal Control Officer, hereinafter referred to as the ACO, will be responsible for investigating all complaints involving dogs, cats, and other domestic animals. The only exception will be complaints of animal cruelty; these complaints are to be turned over to the County Humane Investigator or a Police Officer.
- The ACO will investigate and file an investigative report on all reported dog bites, and incidents of other animal attacking or biting people. The ACO will attempt to capture any animal that has bitten a human. If the animal is domestic, the ACO will verify that the animal has been rabies vaccinated and that the vaccination is up to date. If the animal is wild, the ACO will submit it to the appropriate laboratory so that it may be tested for rabies.
- The ACO is responsible for enforcing all applicable New York State Agriculture and Market, Public Health, and Local Municipal Laws. When appropriate, the ACO will arrest the owners of animals found to be in violation of any of the aforesaid laws.
- The ACO will patrol the jurisdictions that he is responsible for; the purpose of these patrols will be to identify and capture dogs that are in violation of the leash law. He will pay particular attention to enforcing the leash laws within the Town Parks.
- The ACO will be responsible for removing carcasses of wild and domestic animals from all Town and Village and County roadways. This removal shall take place during regular business hours of the ACO Office, who shall not incur over-time for said removal. The ACO shall not remove the carcasses of small animals unless there is an imminent public safety or public health concern. The only exception to this would be a skunk who's odor would present an offensive condition.
- When requested, the ACO will remove the dead bodies of large animals such as dogs and deer from the residential and commercial properties of subjects living or businesses operating within his jurisdiction.
- The ACO will be responsible for transporting the bodies of dead animals to the county landfill, to include picking up animals from the Paris Hill Cat Hospital.
- The ACO is **not** authorized to handle complaints involving wild animals. These complaints should be referred to a Licensed Nuisance Wildlife Specialist. The only exception would be an emergency where a wild animal is an immediate threat to human life or personal property. The ACO will **not** set traps or capture wild animals for the purpose of relocating them.

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- There may be a time when dead wild animals present an offensive and unhealthy situation. Under these circumstances, the ACO may be authorized to remove said carcass for disposal. (private property)
- The Animal Control Office should not be involved in the removal or mitigation of any insect complaints that shall include, but not be limited to: bees, hornets, wasps, ants, etc. Any complaints of this nature should be referred to a professional exterminator.

The Resolution was subject to a vote upon call, resulting 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.

REPORTS OF TOWN OFFICIALS

TOWN POLICE CHIEF:

Purchase of Van – Animal Control Office

After some discussion and upon recommendation of the Town Police Chief, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Backman:

(RESOLUTION NO. 233 OF 2003)

WHEREAS, the sum of Eleven Thousand Five Hundred Dollars (\$11,500) had been appropriated in the 2003 Annual Budget for replacement of the Animal Control van; and

WHEREAS, the minimum cost to purchase a half-ton pick-up truck on State Contract is Fourteen Thousand Two Hundred Seventy-two Dollars (\$14,272);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to transfer the sum of Twenty-eight Hundred Dollars (\$2800) from the General Fund Whole-Town, Contingency Account to the General Fund Whole-Town, Animal Control Equipment Account, to cover the cost of a new pick-up truck on State Contract, Group 40560 PICKUP TRUCK (2003 Model Year).

The Town Board members were polled and voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

“Children at Play” Sign – Homestead Road

As a follow-up to a request presented at the June 4, 2003 Town Board meeting, Councilman Woodland had made an on-site inspection of the western extension of Homestead Road and confirmed that three (3) residents do want a “Children at Play” sign erected. Police Chief Philo had also performed an on-site inspection and upon his recommendation, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 234 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to install one (1) “Children at Play” advisory sign on Homestead Road, West Extension, pursuant to request of residents.

A roll call vote was duly held 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.

Vehicular Parking – Helen Avenue

The Police Chief is attempting to resolve/mediate a parking problem at the dead-end on Helen Avenue versus the Town Board having to adopt legislation prohibiting parking in that area. The Town Board may have to revisit the issue if motorists don’t voluntarily cooperate.

Curbside Trash Collection - Violation

Councilman Backman had received a complaint from Terry Wolcott regarding brush being placed in the road on Benton Circle; Ms. Wolcott provided photographs and stated

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that the property owner refuses to place the brush on their lawn. The Police Department will follow up on this complaint.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

INSURANCE RENEWAL

Robin Lowitz, CPCO/ARM, representative from Bailey, Haskell & LaLonde, reviewed the *2003 Business Insurance Proposal* for insurance renewal with a rate increase of five percent (5%); another increase is due to new vehicles added during past year. Savings were realized by the elimination of vehicles from the prior year's fleet. Consensus was to add the street sweepers as "over-the-road" vehicles from the Inland Marine schedule to the Automobile Schedule for an additional premium of Four Hundred Eighty-nine Dollars (\$489). After further discussion, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 235 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept and approve the insurance renewal proposal submitted by Bailey, Haskell & LaLonde for the fiscal period beginning June 30, 2003 through June 30, 2004:

• Property, Inland Marine, General Liability, Auto, Public Officials, Law Enforcement, Equipment Breakdown	\$140,260
• Umbrella/\$4,000,000 limit	\$ 16,461
• OCP	\$ <u>200</u>
TOTAL:	\$156,921 plus taxes and fees

and be it

FURTHER RESOLVED that the Town Board does hereby grant discretionary power to the Town Supervisor to decide whether to keep comprehensive coverage on cheaper vehicles.

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

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

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The Resolution was declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS (CONT'D)

ASSESSOR:

Re-Assessment Program

The Assessor and Councilman Backman had met on June 11, 2003 to discuss Town Board and residents' concerns this past year and what procedures could be changed for next year, new criteria. The preliminary data analysis for next year has been completed, according to the Assessor. Types and conditions of sales were also discussed, with the Assessor suggesting a temporary method to confirm sales results. Thereafter, Councilman Waszkiewicz offered the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 236 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Assessor to forward a communication to each buyer of property, beginning with property transfers in May 2003, requesting that the purchaser verify the sale price, details and inventory of the sale, returning same to the Assessor's Office for review by Maxwell Appraisal Services and that such procedure continue until it is determined by either the Assessor or Town Board that there is no benefit for continuing the process.

A roll call vote ensued:

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.

[NOTE: Codes Enforcement Officer Gerald Back joined the meeting at 9:16 P.M.]

Discussion continued on the assessment program, including the suggestion of a town-wide revaluation; no further action was taken.

Training School

Upon request of the Assessor, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

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(RESOLUTION NO. 237 OF 2003)

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 Assessor Paul E. Smith to attend the Annual State Assessor's Conference from July 13 – July 18, 2003 in Cornell, New York, with expenses to be borne by said Town as budgeted.

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 Resolution was declared unanimously carried and duly adopted.

HIGHWAY SUPERINTENDENT:

Curbside Trash Collection Program

The Highway Superintendent and Deputy Highway Superintendent reported on the results of Town Board action June 4, 2003 to divide area "D" for trash collection between the Town Highway crews and a rubbish collector. Town crews performed the collection in half of the more rural area (Mohawk, Sessions and Mallory Roads) while designating the contractor to collect in the more dense urban area. Town crews finished yesterday and the contractor should be done June 19, 2003 with the metal items. Highway Superintendent Cleveland noticed that with disposal of tires (no rims), One Dollars (\$1) per tire is being charged and the trash collector is charged Two Dollars and Fifty cents (\$2.50). Tires with rims can be brought elsewhere for FREE because the company sells the metal; perhaps the Town Board might consider this a change for next year's curbside collection program.

Three (3) locations were discussed:

- Cusworth Mobile Home Park, Bleachery Avenue – in past used to have a decent, tidy pile but this year – different – told crews not to go on private property – put in one location, neater for residents and not on town right of way, easier for Town to pick up.

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- 9359 Elm Street – multi-family residence, totally in violation
- 9367 Elm Street – multi-family residence, totally in violation.

Personnel – Deputy Highway Superintendent work day

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

(RESOLUTION NO. 238 OF 2003)

RESOLVED that the New Hartford Town Board does hereby establish, effective immediately, that the Deputy Highway Superintendent’s workday consists of eight (8) hours inasmuch as he supervises highway crews that work an eight (8) hour day and, in conjunction with that, the Deputy Highway Superintendent shall be entitled to the same benefit package as the Highway Department employees.

The Supervisor polled the Board members who voted 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.

CODES ENFORCEMENT OFFICER:

Appointment – Part-time Codes Enforcement Officer, specializing in plumbing

Upon recommendation of Codes Enforcement Officer Gerald Back, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 239 OF 2003)

WHEREAS, since January 1, 2003, the Town Codes Enforcement Office performs not only plumbing inspections for structures within the Town, but also in the Village of New Hartford pursuant to an Inter-Municipal Agreement; and

WHEREAS, Town staff have encountered some complex heating and plumbing systems and had to issue a Stop Order for a structure in Councilman Backman’s Ward, where some serious plumbing violations existed; and

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WHEREAS, in past years the Town had hired a plumbing inspector whose salary had been paid by the plumbing inspection fees established and collected by the Town;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby reclassify the position of Plumbing Inspector, Part-time, to that of Codes Enforcement Officer, Part-time, Specializing in Plumbing, effective immediately, and does further appoint Ronald Thomas to said re-classified position effective immediately for a six (6) month period, at an annual salary of Sixty-five Hundred Dollars (\$6500), payable bi-weekly, to include the Teamsters insurance package; the Town Board will review this appointment at the conclusion of the six-month period. The salary for Mr. Thomas will be paid from the Codes Enforcement Office contractual account.

Discussion followed with Councilman Waszkiewicz suggesting the Town Board explore hiring an independent contractor versus added a Town employee to the payroll. Thereafter, the Town Board members voted as follows:

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

Supervisor Humphreys declared the Resolution carried and duly adopted.

MATTERS SUBMITTED BY TOWN SUPERVISOR

Tentative Appointment – Allison Back, Seasonal Student Worker

Supervisor Humphreys indicated a need for part-time clerical assistance in the Accounting and Personnel Departments this summer due to employee vacations and possible surgery. Allison Back, who worked for the Town during the Summer of 2002, had submitted an application during the Spring of 2003 for clerical work. After some discussion, Councilman Waszkiewicz moved and Councilman Butler seconded that the Town Board appoint Allison Back as a Seasonal Student Worker, as long as she is the applicant chosen by the Department Head and that the position had been duly posted pursuant to Town policy and that she begin work effective June 30, 2003; but if due process has not been followed, then address the matter at the July 2, 2003 Town Board meeting. Discussion followed, with Councilman Butler withdrawing his second to the motion; therefore, the motion died. The Town Board will address this matter on July 2nd.

Retirees’ Dental Insurance

Supervisor Humphreys had met with retired employee James Roselli who has accepted, in exchange for dental insurance, a settlement from the Town of Thirty-two Dollars (\$32)

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per month for a two-year period, effective July 1, 2003 through June 30, 2005. Attorney Rossi will prepare the agreement that is offered because Teamsters insurance does not offer dental insurance to retirees effective June 30, 2003.

Also in exchange for dental insurance, retiree George Peck has agreed that the Town will pay his and his wife's dental expenses up to Twelve Hundred Dollars (\$1200) annually for the couple and that said annual amount will be reduced to Six Hundred Dollars (\$600) after the demise of either Mr. or Mrs. Peck. This agreement will take effect July 1, 2003 and Attorney Rossi will prepare this agreement.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- ASR System Group, Inc./information-material storage analysis – Dudley has not contacted the Town Clerk and/or Town Police Chief
- Posting of sign notification for zoning variance/change – Councilman Waszkiewicz will be contacting Zoning Board Chairman Gerald Green
- Subdivisions – recreation space/percentage of green space – the Town Planning Board will discuss this at their next meeting
- Under review – will be submitted when completed
 - Sewer extension criteria – the Highway Superintendent relayed concept that a formula had been implemented elsewhere successfully and he will provide a copy to Councilman Waszkiewicz
 - Recommendations for future notification and informal/formal grievance meetings process – Councilman Waszkiewicz to meet the week of June 23 with the Assessor Committee
- Southern Reservoir Passive Recreation update – Parks and Recreation Director, Jim LaFountain (Oneida County Youth Bureau) and Utica Parks Department representatives are planning a field trip to the Hinckley reservoir where passive recreation has been created and then walk the Southern Reservoir locally. Will meet as a group next week and hope to have tentative plans
- Upper Mohawk Valley Regional Water Board – Cascade Drive fencing and signage improvements – Water Board will be resurfacing the fencing (for less visibility) but not eliminate barbed wire. Councilman Waszkiewicz would like the Town Board to send a letter asking the Water Board to move the fence back
- Status report – New York Mills/annexation of specified properties – Councilman Waszkiewicz will be going door-to-door with Mayor Maciol
- Route 5 traffic and stop light review with NYS Department of Transportation – Councilman Waszkiewicz will attend the 11:00 A.M. on June 19, 2003

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- Route 12 Task Force – update zoning and planning requirements – Councilman Waszkiewicz attended a meeting today; a time line will be established for public hearings, charging the respective planning departments; each county will provide their vision and their land use plan and/or around the north-south transportation corridor
- Traffic study versus GEIS coordination with Oneida County and the Town of Frankfort – Now that the Town has a Planner, Councilman Waszkiewicz will discuss with him a traffic study vs GEIS – traffic needs to be reviewed
- Herkimer County Economic Development Zone Board – letter explaining process going forward – Councilman Waszkiewicz will give the letter to the Town Clerk for distribution
- Grant writing update – review establishing 501 C 3 status for a New Hartford Community Foundation – Vince sent a letter on this
- Acquisition of real property (Executive Session item)

COUNCILMAN BUTLER:

Zoning Violation – Galligano property, 36 Morgan Lane

Councilman Butler spoke with the Galliganos, their attorney and neighboring property owner (the Dorsey's), the latter of whom have accepted the offer of Three Thousand Dollars (\$3,000) from the Galligano's for the sliver of land so they are in compliance with the Town's Zoning Law, with a few conditions that the Dorsey's have no more financial responsibilities.

COUNCILMAN WOODLAND:

Removal of "old" cable wires - ADELPHIA

ADELPHIA removed their cable wires two (2) months ago and now VERIZON must remove their telephone wires.

MATTERS SUBMITTED BY TOWN SUPERVISOR (CONT'D):

Audit of Vouchers

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

(RESOLUTION NO. 240 OF 2003)

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 ha been duly audited by the Town Board:

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General Fund, Whole-Town Abstract No. 19	\$ 25.00
General Fund, Whole-Town Abstract No. 20	\$ 42,322.41,
with the exception of the voucher from the New York Susquehanna and Western Railway Corp.	
General Fund, Part-Town Abstract No. 17	\$ 4,956.95
Highway Fund, Part-Town Abstract No. 14	\$ 7,845.03
Street Light Abstract No. 8	\$ 6,851.31
Drainage Abstract No. 8	\$ 514.43
Water Abstract No. 3	\$ 3,865.00
Butler Memorial Hall Renovations Abstract No. 4	<u>\$ 5,570.00</u>
TOTAL:	\$ 71,950.13.

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 Resolution was declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS (CONT'D)

HIGHWAY SUPERINTENDENT:

Disposal of Surplus Vehicles

In May 2003 the Town Board authorized certain vehicles to be sold at the June 12, 2003 Oneida County Auction; the following were sold:

- 1994 Chevy Caprice VIN 1G1BL53P6RR186278 \$300.00
- 1988 Chevy Suburban VIN 1GNER16K5F179720 \$100.00
- 1993 Ford Crown Victoria VIN 2FACP71W7PX145896 \$550.00.

The 1997 Ford Crown Victoria had been withdrawn from the sale.

Competitive Bid - Bituminous Concrete Paving

The Villages of New Hartford and New York Mills have verbally accepted Barrett's paving prices. Because the Highway Superintendent hasn't received Barrett's insurance documents yet, no action will be taken until the July 2, 2003 Town Board meeting.

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Transfer of Ownership - Cascade Drive Booster Pump Station

At the time the Upper Mohawk Valley Regional Water Board had assimilated water mains and appurtenances including the former Washington Mills Water District, apparently the Cascade Drive water pump station had been overlooked. Therefore, upon recommendation of the Highway Superintendent, the following Resolution was introduced for adoption by Councilman Waszkiewicz and was duly seconded by Councilman Woodland:

(RESOLUTION NO. 241 OF 2003)

WHEREAS, in the early 1990's the Town of New Hartford was informed of an inactive waste site on the east side of Valley View Road; and

WHEREAS, said communication indicated that ground water was being contaminated from the materials at the site; and

WHEREAS, the residents of Cascade Drive, being at a lower elevation of the dump, were concerned about potential contamination of their wells; and

WHEREAS, in response to these concerns, the Town of New Hartford caused to be installed an extension to the public water supply system to serve the residents of Cascade Drive; and

WHEREAS, as a function of the water main extension, it was necessary to install a booster pump station to serve several residential properties on the upper end of Cascade Drive; and

WHEREAS, when the Regional Water Board was created in the mid-1990's, all public water utilities and appurtenances in and owned by the Town of New Hartford were supposed to be assimilated into the Regional Water Board's system; and

WHEREAS, the Town of New Hartford finds that the booster pump station has not been officially transferred to the Regional Water Board; **NOW**

THEREFORE, BE IT RESOLVED that, as a result of the creation of the Regional Water Board and the transfer of all public water utilities previously owned by the Town of New Hartford to the Regional Water Board, the Town of New Hartford now requests the Regional Water Board to also assume ownership of the booster pump station on Cascade Drive, said pump station never having been transferred to the Regional Water Board.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

EXECUTIVE SESSION

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

(RESOLUTION NO. 242 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss acquisition of real property, the performance of a particular employee and an on-going criminal investigation.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, were then excused from the meeting at 11:22 P.M. Those remaining included the Highway Superintendent, Town Planner and Town Police Chief.

[NOTE: Supervisor Humphreys provided the following transcript on June 19, 2003.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 243 OF 2003)

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 12:42 A.M. on Thursday, June 19, 2003. 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 duly made by Councilman Backman and seconded by Councilman Waszkiewicz, the meeting was adjourned at 12:46 A.M. on Thursday, June 19, 2003.

Respectfully Submitted,

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