

**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, AUGUST 6, 2003 AT 7:00 P.M.**

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

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

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Codes Enforcement Officer Gerald F. Back
Highway Superintendent Roger A. Cleveland
Telecommunicator Supervisor Jeffrey Madden
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

June 18, 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 Woodland:

(RESOLUTION NO. 278 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 18, 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

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 2

Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

July 2, 2003 Regular Meeting

After sending Board members the July 2, 2003 minutes, the Town Clerk had noticed that Resolution No. 247, itemizing Maxwell Appraisers contract stipulations, did not contain two (2) items requested by the Town Board, i.e., that individual appointments be made to avoid property owners standing in line and that Maxwell Appraisers provide a telephone number that property owners could call. After some discussion, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 279 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept and approve as amended the minutes of the Regular Town Board meeting held **July 2, 2003** and does further waive the reading of the same; the amendment adding the following to Resolution No. 247:

Contractor responsibility

- Individual appointments would be scheduled
- Provide telephone number in mailings.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	ABSTAINED, was not
present at meeting		
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared unanimously carried and duly adopted. The Assessor will contact Maxwell Appraisers to secure a letter confirming the above amendment.

July 16, 2003 Regular Meeting

Action was deferred on the July 16, 2003 Town Board minutes.

PUBLIC PRESENTATIONS

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 3

Sherrillbrook Park maintenance

Dennis Thompson, 8 Christopher Circle, reported that the pavilion in Sherrillbrook Park was in need of repair and painting.

Dumping – Chapman Road

Rosemary Trimbey of 9385 Chapman Road, New Hartford inquired about the difference between ‘dumping’ and landfill, referring to an alleged situation on an adjacent property. Codes Enforcement Officer Gerald Back has performed an area inspection but is not allowed on her neighbor’s property; however, looking from Ms. Trimbey’s property, CEO Back didn’t see any illegal dumping. Property owners can store piles of limbs on their own property. He explained that stone, dirt, etc. is landfill. Ms. Trimbey claimed that her neighbor uses magazines, newspaper and grocery bags to make bricks, and has rugs, pillows, and a mattress on his property. CEO Back confirmed these items are not landfill material. Ms. Trimbey believes her complaints to the Codes Department have gone unheeded and that, from her window, she can see piles of plastic bags with books or newspaper two (2) inches from her property line. She also claimed her neighbor has a pile of tree limbs in the Chapman Road right-of-way, blocking vehicular visibility. Highway Superintendent Cleveland will check into this and CEO Back will have Assistant Codes Enforcement Officer Joseph Booth perform an on-site inspection, with CEO Booth to take photographs of what’s blocking the right of way. The Town Supervisor anticipated having an answer for Ms. Trimbey in a couple days as to what the Town can do. Since Chapman Road is a County highway, the Oneida County Department of Public Works will be contacted about an alleged drainage ditch being blocked.

Dumping & Vehicular Speed – Willowvale Ave

Ronald Jasinski of 9234 Willowvale Ave sited the continual dumping of brush on his side of the road by a neighbor on the opposite side. Allegedly, the neighbor puts out logs that exceed the Town’s criteria, tree roots not acceptable and one time, had the entire length of a neighbor’s hedge piled with debris (40 – 50ft). “Five (5) minutes after the Town highway trucks leave, this guy clutters up the area with more debris. He has a trailer in that right of way.”

Speeding is also a problem on Willowvale Ave, according to Mr. Jasinski. Councilman Backman noted that Willowvale Ave is a “paper street” – like a no-man’s land. To clear up the problem, research would be required back through the years to obtain the signature of the original property owner. The Town Board has worked on similar situations and tried solutions – but it’s a legal problem. Councilman Backman will bring the matter from the back burner.

REPORTS OF TOWN OFFICIALS

ASSESSOR:

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 4

Property Sales Verification

In June 2003, the Town Board authorized the Assessor to forward sales verification forms to new property owners, beginning with sales in May 2003. Of sixty-five (65) verifications mailed, the Assessor has received thirty-seven (37) responses and only four (4) had a sales price different than recorded on the RF-Form. Assessor Smith will continue to send out the verification forms until otherwise decided by the Town Board.

Certioraris – Small Claims Assessment Reviews

As of August 5, 2003, certiorari cases totaled 34, of which 19 were new actions. Of the 19, about 6 were residential properties and the balance was commercial. Small Claims Assessment Reviews totaled 158, some of which were recurring filers. The Assessor is working with Joseph Panella, Chief Clerk of the Supreme Court, to handle the Small Claims Assessment Reviews over the next couple months; the case reviews may overlap into 2004.

Because the State has increased the Small Claims Assessment Review filing fee from \$25 to \$30 dollars, some or all of which the Hearing Officer may order the Town to refund to the property owner, the fourth quarter Assessor's budget may be affected. Also, the Town Board had decided at the July 2, 2003 meeting to send out a town-wide mailing in the Fall; however, this is not a budgeted item.

Agreement – Maxwell Appraisers

Supervisor Humphreys informed the Assessor about two (2) changes needed for the Maxwell agreement – that they provide a telephone number in their future mailings and that appointments be scheduled to avoid lines (NOTE: See Page 2 of these minutes). The Assessor acknowledged that Maxwell Appraisers had verbally agreed to this – he sees no problem. The Assessor confirmed that the telephone number would be that furnished by the Town but that Maxwell will include this telephone number in their notices to property owners.

Training School

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

(RESOLUTION NO. 280 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;

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 5

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 Seminar on Assessment Administration sponsored by the New York State Assessors' Association from September 7 through September 10, 2003 in Lake Placid, 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.

Training School

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

(RESOLUTION NO. 281 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 Town Supervisor Ralph B. Humphreys, Councilman Donald C. Backman and Assessor Paul E. Smith to attend a Workshop on the annual re-assessment program sponsored by the New York State Office of Real Property Services and various Assessors on September 3, 2003 at the Onondaga County Community College, Syracuse, New York, with any expenses to be borne by said Town.

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.

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 6

CODES ENFORCEMENT OFFICER:

Property Maintenance – 3351 Church Street, Chadwicks

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

(RESOLUTION NO. 282 OF 2003)

WHEREAS, the Town of New Hartford had adopted on September 24, 1994 a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town (Code, Chapter 94); and

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 3351 Church Street (Tax Map Parcel No. 350.017-1-54), Chadwicks, Town of New Hartford, New York owned by Daniel and Erin Pawelek whose last known address is 3351 Church Street, Town of New Hartford, New York; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owners via certified mail, but the correspondence was returned by the U. S. Postal Service as undeliverable and with no forwarding address;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn and clearing the property of debris at 3351 Church Street, and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board authorizes this expense to be levied against such real estate. The mowing and clearing shall continue as long as the problem exists.

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.

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 7

Property Maintenance – 12 Dixon Road

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

(RESOLUTION NO. 283 OF 2003)

WHEREAS, the Town of New Hartford had adopted on September 24, 1994 a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town (Code, Chapter 94); and

WHEREAS, the Town Codes Enforcement Officer continues to receive complaints about high grass and weeds upon premises located at 12 Dixon Road (Tax Map Parcel No. 328.012-2-34.2), New Hartford, New York owned by Gerard and Sharon Lynch whose last known address is 12 Dixon Road, New Hartford, New York; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owners via certified mail in 2002 and this is a recurring property maintenance problem since the Summer of 2002;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn and clearing the property of debris at 12 Dixon Road and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board authorizes this expense to be levied against such real estate. Further, the mowing and clearing shall continue as long as the problem exists.

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.

Training School

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

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 8

(RESOLUTION NO. 284 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 Codes Enforcement Officer Gerald F. Back to attend the New York State Building Officials Annual Conference from September 24 through September 26, 2003 in Kerhonkson, 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.

Dumping – 209 Gilbert Road

Relative to the concrete dumped in the Town's right of way at 209 Gilbert Road, the Highway Superintendent had contacted the property owner via certified mail and they haven't responded. Councilman Butler had visited the home on several occasions and once left his business card, but still received no response. Codes Enforcement Officer Back stated that an appearance ticket can be issued for this violation.

TELECOMMUNICATOR SUPERVISOR:

Part-time employees/Health Insurance

Discussion ensued on formulating a health insurance policy for part-time dispatchers hired after February 1, 2003. Those who qualify (meeting the hours per quarter specified by the Teamsters Plan) and want the health insurance benefit would be subject to bi-weekly payroll deductions; or if the Part-time Dispatcher doesn't qualify but wants the coverage, the employee would be required to pay COBRA for the insurance. This would only affect Part-time Dispatchers in the bargaining unit. The Town will make a reasonable effort for Part-time Dispatchers to qualify in a quarter. Attorney Rossi will be consulted as to whether this should be included in the Employee Handbook.

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 9

Computer Software

Telecommunicator Supervisor Madden stated that a citizen committee had reviewed six (6) vendor quotations for computer software and had recommended that the PAMET quotation be accepted. After some discussion, the following Resolution was introduced by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 285 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize that a Letter of Intent be issued to PAMET, Acton, Massachusetts that the Town Board intends to purchase their computer software program for the Town's Emergency Dispatch Center at a cost of Fifty-nine Thousand Dollars (\$59,000), pending the resolution of internal financing. Yet to be negotiated is the fee for data conversion.

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 Supervisor declared the Resolution unanimously carried and duly adopted.

PARKS AND RECREATION DIRECTOR:

Appointments – Part-time Seasonal Employees

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

(RESOLUTION NO. 286 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint Shawn Virkler and Eric Cusworth as Part-time seasonal Laborers to assist with mowing the three (3) Town Parks and facilities from August 20, 2003 to November 1, 2003, as a result of several college-bound employees leaving for their studies; their hourly wage is hereby established at Seven Dollars and Ninety Cents (\$7.90), payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 10

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

The Resolution was then declared unanimously carried and duly adopted.

Authorization for Competitive Bid – Ice Resurfacers

Upon request of the Parks and Recreation Director, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 287 OF 2003)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of one (1) new Ice Resurfacers Machine, in accordance with Town specifications with the stipulation that the purchase will be made in fiscal year 2004; all bids are to be received by the Town Clerk's Office no later than 11:00 A.M. on Thursday, September 4, 2003 and then shall be publicly opened and read aloud at such time and place; and be it

FURTHER RESOLVED that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

The existing 1987 Olympia Ice Resurfacers is expected to be sold. The Town Board then voted upon 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.

[NOTE: Attorney for the Town, Vincent Rossi, Jr. joined the meeting at 8:28 P.M.]

Plantings – Home Depot Proposal

Councilman Waszkiewicz announced that The Home Depot was proposing to plant perennials at the various entrances to the Town of New Hartford where the dark blue "WELCOME TO NEW HARTFORD" signs have been erected. The question arose as to whether the Parks and Recreation Director had sufficient staff to continually weed whack around these plantings; Director Michael Jeffery will speak with The Home Depot officials.

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 11

Property Maintenance - 3738 Oneida Street

The Town Board directed the Parks and Recreation Department to continue mowing the grass and weeds accumulating at the abandoned 3738 Oneida Street property, owned by John and Janice Hyde; the Codes Enforcement Officer will arrange to have the associated costs levied against this property.

HIGHWAY SUPERINTENDENT:

Competitive Bid – New Pick-up Truck

Highway Superintendent Cleveland reported that only one (1) bid had been received on July 25, 2003 for the purchase of a new Pick-up Truck; further, the Town is recouping money from FEMA that will cover the cost of this vehicle. Thereafter, Councilman Butler introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 288 OF 2003)

WHEREAS, the Town Superintendent of Highways did, on the 6th day of August, 2003, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, one (1) new 2003 Pick-up Truck with Snowplow from Nye Ford Lincoln Mercury, 675 Genesee Street, Oneida, NY, as per Town specifications, for a maximum aggregate price of Twenty-eight Thousand Five Hundred Seventy-two Dollars (\$28,572), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by August 27, 2003.

The Town Superintendent of Highways is authorized, subject to the approval of the County Superintendent of Highways) to surrender to Nye Ford Lincoln Mercury one (1) used 2000 F250 Ford Pick-up Truck, VIN 1FTSF31L9YEB77792 at an agreed trade-in value of Twelve Thousand Seven Hundred Fifty Dollars (\$12,750).

A contract for the item purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of the item(s) purchased, the Town Supervisor shall pay the amount of Fifteen Thousand Eight Hundred Twenty-two Dollars (\$15,822) from budgetary appropriations for purchase of equipment.

Upon roll call, the Town Board voted as follows:

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 12

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 – Redraft Road Specifications

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

(RESOLUTION NO. 289 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement with Alan Swierczek, P.E., for technical services in revising the highway design standards in Chapter 102 of the Town Code, at a cost not to exceed Seven Hundred Dollars (\$700).

A roll call vote was duly held and resulted 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 – Engineering Services/The Orchards

Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz offered the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 290 OF 2003)

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 between said Town, The Orchards and Alan Swierczek, P.E. wherein Mr. Swierczek will act as Clerk of the Works in behalf of the Town during the development of The Orchards Project; as part of the Agreement, The Orchards will “upfront” the Town the required compensation for Mr. Swierczek’s services after which the Town will compensate Mr. Swierczek.

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 13

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.

Curbside Trash Collection

The Highway Superintendent reported that the “Area D” trash collection figures for private haulers is being compiled and will be sent out by August 8, 2003.

Fiscal - Bleachery Avenue Bridge

The actual construction of the Bleachery Avenue bridge involved considerably longer time than expected and the Highway Superintendent has received an invoice from Montgomery Watson Harza (MWH) in the amount of Sixty-five Thousand Dollars (\$65,000) for extra inspection services. In discussion that followed, Board members questioned how the construction time could double. It was explained that the original time estimate – which had appeared to be “aggressive” – had been provided by an MWH employee who is no longer with that firm and that, after reviewing the original plans, the State had signed off on the proposal. There were several delays – both in beginning the bridge reconstruction as well as the extended construction time. Prior to any Board action on this matter, the Highway Superintendent will obtain verification that the Town will receive federal aid on the overage.

Paper Street Issue – Willowvale Avenue & Coxe Avenue

Councilman Waszkiewicz initiated discussion on Ronald Jasinski’s concerns over Willowvale Avenue made during the Public Presentation portion of this meeting. The Highway Superintendent stated he had looked for titles for some roads but found none. To this quandary, Attorney Rossi stated there is no solution – basic idea behind it is and similar cases have gone through a series of New York Court of appeals ... that if a developer creates a subdivision and puts a pond in the middle and it’s referenced on the subdivision map, the developer must put in the pond as shown on the map. So, if Coxe Ave is shown on a map, the people who buy near it have a right to know that the road would be there but not built by the Town – but that a road should be there, not a stable or a barn, or other structure.

Training School

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

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 14

(RESOLUTION NO. 291 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 Anthony DeCuffa, Deputy Highway Superintendent to attend the 2003 Highway Snow Expo on September 3 and September 4, 2003 in Manchester, New Hampshire, with expenses to be borne by said Town as budgeted; further, the Deputy Highway Superintendent is hereby authorized to drive a Town vehicle to the Expo.

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.

Training School

As the Town has experienced a fair amount of problem involving fats, oils and greases, the Highway Superintendent requested permission to attend a conference addressing these issues. Thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 292 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 Highway Superintendent Roger A. Cleveland to attend a conference on FOGs (Fats, Oils, Greases) on September 10 and September 11, 2003 in Madison, Wisconsin, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 15

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

The Resolution was declared unanimously carried and duly adopted.

Proposed Water District – Proposed Stormwater Drainage District for Whitetail Meadows development

On July 30, 2003 Petitions for the establishment of a special water district and stormwater drainage district within the Whitetail Meadows development had been received in the Town Clerk's Office and Highway Superintendent Cleveland has now received the relevant metes and bounds description for these special districts. Developer John Barkett, Jr. and his attorney, John Maya, are asking that Public Hearings be scheduled for the August 20, 2003 Town Board meeting. Town Clerk Gail Wolanin Young inquired if the Orders calling for Public Hearings in these matters had been prepared as she is responsible for publication in the newspaper; and if not, who will prepare these legal documents. After some discussion, the Town Clerk will provide copies of the Jubilee Estates' Orders that Attorney Maya can use as a template.

The Highway Superintendent read a letter from Jean Driscoll, whose Oneida Street home is at the entrance to Whitetail Meadows, who is pleased with actions at the development.

Vehicle & Traffic – Hidden Driveway Sign on Roberts Road

Councilman Backman inquired about the status of a request for a "Hidden driveway" sign on Roberts Road; because this is a County-owned road, the Highway Superintendent is awaiting their comments and/or approval.

Vehicle & Traffic – Roberts Road-Mohawk Street right of way

Councilman Backman noted that a motor vehicle accident occurred August 1, 2003 at the intersection of Roberts Road and Mohawk Street and he inquired if the "island" near Old Roberts Road could be trimmed of grass and weeds; the Highway Superintendent will consult with the Oneida County Department of Public Works as both roads are under the jurisdiction of Oneida County.

FAX Line – DIG SAFELY NEW YORK (formerly UFPO)

The Town Supervisor had received a quote from ESI to install a dedicated FAX line for use with the DIG SAFELY NEW YORK program and the Highway Superintendent recommended the Town Board proceed with the installation. The following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

REGULAR TOWN BOARD MEETING
August 6, 2003
Page 16

(RESOLUTION NO. 293 OF 2003)

RESOLVED that the New Hartford Town Board does hereby accept the quotation from ESI and does hereby authorize that company to install a dedicated FAX line to the Highway Department's ASC II machine, for a one-time installation charge of Six Hundred Thirty-one Dollars (\$631), exclusive of any monthly phone service charges that will appear on future phone bills; the installation charge shall be charged to the General Fund, Highway Superintendent Contractual Expense Account No. 5010.4.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

Personnel – Deputy Highway Superintendent workday

Upon request of Bookkeeper Carol Fairbrother and presented by the Town Supervisor, the following Resolution was introduced for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 294 OF 2003)

WHEREAS, the Town Board adopted Resolution No. 238 on June 18, 2003 to establish, effective immediately, that the Deputy Highway Superintendent's workday shall consist of eight (8) hours; and

WHEREAS, the Bookkeeper has requested that the establishment of the eight-hour workday be retroactive to January 1, 2003 rather than having five and a half months as seven (7) hour workdays and the remaining of the year as eight (8) hour workdays;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 238 of 2003 to reflect that the establishment of an eight (8) hour workday for the Deputy Highway Superintendent shall be retroactive to January 1, 2003.

The Town Supervisor requested a vote upon roll call, which resulted as follows:

Councilman Waszkiewicz	-	Aye
------------------------	---	-----

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 17

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

The Resolution was declared unanimously carried and duly adopted.

Vehicle & Traffic – Advisory “Children At Play” Sign on Merritt Place

Councilman Woodland had received a request for installation of a “Children At Play” sign on Merritt Place; however, after an on-site inspection, it was learned that two (2) “Children At Play” signs already exist on Merritt Place and any additional signs would be considered sign pollution. Councilman Woodland and Police Chief Philo will discuss this matter with the resident who had requested the sign.

Storm water Problem – White Pine Road

Attorney for the Town, Vincent Rossi, Jr., sought the Town Board’s permission to interface with Codes Enforcement Officer Gerald Back on the Denaro surface water problem that is allegedly affecting the Haider property in the area of White Pine Road.

TOWN CLERK:

Refund – Building Permit Fee

Upon request of Dale Verbickas, approved by the Codes Enforcement Officer and presented by the Town Clerk, the following Resolution was offered for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 295 OF 2003)

WHEREAS, on May 28, 2003 Dale Verbickas of 9610 Roberts Road, Town of New Hartford, had applied for and paid for Building Permit #03-3624 for construction of a garage; and

WHEREAS, subsequent to approval of the Building Permit, the Verbickas’ had a change of plans and have confirmed that the project will not proceed and have requested a refund of the Building Permit fee;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper, upon receipt of a duly completed and signed Town voucher from Dale Verbickas, to refund the sum of Forty-six Dollars (\$46) to Mr. Verbickas.

The Town Board members voted individually as follows:

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 18

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

The Resolution was declared unanimously carried and duly adopted.

Statutory Fee Increase – Marriage Licenses and Genealogy Fees

Upon presentation by the Town Clerk, the following Resolution was introduced for adoption by Councilman Butler and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 296 OF 2003)

WHEREAS, the New York State Legislature has adopted some new vital records fees that local Town Clerks and Registrars are authorized to charge, effective August 1, 2003;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby acknowledge that, effective August 1, 2003, the following fee schedule is in effect for the specified items:

- Marriage Licenses - \$40, including the Certificate of Marriage Registration
- Genealogy Uncertified copies (birth, death and marriages)
 - \$22 for a 1 – 3 year search
 - \$42 for a 7 – 10 year search
 - \$62 for a 11-20 year search
 - \$82 for a 21 – 30 year search.

Upon roll call, the Town Board voted as follows:

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.

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 19

Sale of Surplus 1999 Ford Expedition

The Town Clerk will consult with the State Comptroller’s Office to determine whether the Town must pay for a Legal Advertisement to sell the 1999 Ford Expedition, or whether the Town can advertisement through a Used Auto classification. Thereafter, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 297 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Clerk to publish an advertisement in the Observer Dispatch in whatever sufficiently legal form is necessary to meet the legal aspects, whether it be a legal advertisement or a used auto classified advertisement, to sell one (1) 1999 Ford Expedition, VIN 1FMPU18L8XLB93607, mileage 64,891.

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.

MATTERS SUBMITTED BY COUNCILMEN AND ATTORNEY

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- New York Mills annexation- the Village of New York Mills has agreed to split the fees 50/50
- Traffic study vs GEIS coordination with Oneida County and Town of Frankfort – a tentative meeting has been scheduled for August 14, 2003 with the Oneida County DPW Commissioner, Oneida County Planning Commissioner, Town Planner, Highway Superintendent, Town Planning Board and Zoning Board Chairmen. Councilman Waszkiewicz asked if Attorney Rossi and/or Special Counsel Peter Rayhill might also attend this meeting. The Town Planner will confirm the meeting time.

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 20

- Grant Writing update – Review of establishing 501 C 3 Status for a New Hartford Community Foundation, achieve same result and save expenses in creating a separate entity. Councilman Waszkiewicz will communicate further with Al Sansone of the Herkimer-Oneida County Community Foundation.
- Herkimer-Oneida Economic Development Zone Board – Councilman Waszkiewicz provided the Town Clerk with the letter that outlines the achievements and successes for the last fiscal year for the Zone Board and asked that copies be distributed to Town Board members.
- Planned Urban Development subdivision regulations – Attorney Rossi has talked with an Attorney who has experience in setting up these regulations; bottom line – sometimes it works; sometimes it doesn't. The regulations can drive itself; financed by fees
- Co-op services/Cell phone; gas & electric – Six (6) months have elapsed and the County is still working on this matter; gas and electric – prices have stabilized.
- Sewer Extension formula – Councilman Waszkiewicz and the Highway Superintendent haven't crystallized this yet.

COUNCILMAN BACKMAN:

Web site

Councilman Backman has contacted Dreamscape relative to changing the Town's Web site address and changing the registered owner from former Comptroller Patrick Tyksinski to the Town of New Hartford, but to no avail. Attorney Rossi will prepare a release wherein Mr. Tyksinski assigns his rights to the Town Supervisor and changes the account from his name so the Town can proceed. Currently, Mr. Tyksinski owns the domain name. Supervisor Humphreys will follow through on this and Councilman Waszkiewicz will contact Mr. Tyksinski as well.

COUNCILMAN WOODLAND:

Railroad Crossing – Washington Mills Athletic Park

To Councilman Woodland's inquiry about the New York Susquehanna Railroad claiming the Town isn't paying them railroad crossing fees at the Washington Mills Athletic Park, Supervisor Humphreys explained that the railroad turned over their property to and entered into a contract with EDGE (granting them tax-exempt status) and that this contract has now expired. The Supervisor will talk with EDGE officials further but, meanwhile, has refused to pay the annual railroad-crossing rental.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 21

Audit of Vouchers

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

(RESOLUTION NO. 298 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 have been duly audited by the Town Board:

General Fund, Whole-Town Abstract No. 26	\$ 357.74
General Fund, Whole-Town Abstract No. 27	\$ 780.00
General Fund, Whole-Town Abstract No. 28	\$169,271.26
General Fund, Part-Town Abstract No. 20	\$ 33,843.47
Highway Fund, Whole-Town Abstract No. 3	\$ 9,832.82
Highway Fund, Part-Town Abstract No. 18	\$ 22,323.82
Sewer Fund Abstract No. 12	\$ 3,536.88
Drainage Abstract No. 11	\$ <u>14,692.88</u>
TOTAL:	\$254,638.87

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.

Agricultural Districts

On Monday, September 15, 2003 the Town Board and Zoning Board of Appeals will attend the Town Planning Board meeting at 7:00 P.M. in the Kellogg Road Community Center Building to become familiar with agricultural districts. Steve Miller of the Cooperative Extension of Oneida County will be the presenter. As this is a regular Planning Board meeting, secretary Dolores Shaw will be recording minutes.

Leash Law – Chapter 56 of the Code

Police Chief Raymond Philo referred to an article in the *TOWN TOPICS* relative to habitual dog barking and the vague definition. He suggested the Town Board modify its Leash Law relating to barking and specifying a certain time limit. After some discussion, Attorney Rossi said he would review the matter further and draft legislation for the Town

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 22

Board’s consideration. A public hearing would be required as the Leash Law had been adopted by Local Law.

Police Officer – GML 207 C Workmen’s Compensation

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

(RESOLUTION NO. 299 OF 2003)

WHEREAS, Police Officer Richard Jones had responded to a mental health violation where an individual who was carrying a gun, had threatened to kill his girlfriend and himself, and proceeded to the Sangertown Square Mall where a foot chase ensued; and

WHEREAS, Police Officer Jones sustained a broken thumb while tackling the suspect;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve Officer Jones’ application for workmen’s compensation under General Municipal Law, Section 207-C for this on-the-job injury.

A roll vote was duly held 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.

Retirement – Part-time School Traffic Officer (Higby Road site)

Police Chief Philo had talked to Mary Jane Firsching who confirmed that she is retiring as a Part-time School Traffic Officer and will not return this Fall; she will send a letter to this effect.

Valor Award – Police Officer

Chief Philo reported that the State Governor’s Office had issued a Valor Award to Police Officer Scott Adsit for exceptional valor displayed in responding to a mental health violation. Carrying a Bible in one hand and an eight (8) foot metal pole in another, the suspect caused considerable damage at Circuit City in the Sangertown Square Mall by smashing televisions and claiming God told him to do this. Chief Philo will prepare a Resolution or Proclamation for the Town Board’s consideration, thanking Officer Adsit for his service.

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 23

Training School

Upon request of the Police Chief, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 300 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 Raymond Philo, Town Police Chief to attend the New York State Police Chiefs' Annual Conference in Lake Placid, New York, from August 24 through August 28, 2003, 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.

EXECUTIVE SESSION

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

(RESOLUTION NO. 301 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss existing litigation against the Town Police Department (Warmack).

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye

REGULAR TOWN BOARD MEETING

August 6, 2003

Page 24

Supervisor Humphreys - Aye.

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy Town Clerk, were then excused from the meeting at 10:41 P.M. The Police Chief and Attorney Rossi remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 302 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:

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 10:56 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 10:57 P.M.

Respectfully Submitted,

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