

**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, OCTOBER 1, 2003 AT 7:04 P.M.**

The Town Supervisor called the meeting to order at 7:04 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: Codes Enforcement Officer Gerald F. Back
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland and
Deputy Highway Supt. Anthony DeCuffa
Parks and Recreation Director Michael W. Jeffery
Police Chief Raymond Philo
Telecommunicator Supervisor Jeffrey Madden
Town Clerk Gail Wolanin Young and Deputy Town
Clerk II Nancy E. Kneller

OTHERS: Attorney for the Town, Vincent Rossi, Jr

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

MINUTES:

August 6, 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 Waszkiewicz:

(RESOLUTION NO. 347 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 **August 6, 2003** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz - Aye

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 2

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

The Resolution was declared unanimously carried and duly adopted.

August 20, 2003 Regular Meeting

Councilman Woodland then introduced the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 348 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 **August 20, 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.

September 3, 2003 Regular Meeting

Action was tabled on the September 3, 2003 Town Board minutes until the October 15, 2003 meeting.

PUBLIC PRESENTATIONS:

PROPOSED HIGBY ROAD WATER TOWER

Frankfort Town Supervisor Joseph Kinney requested an explanation for some Frankfort Town residents present and himself as to New Hartford's plans relative to the Higby Road water tower proposed to be located in the Town of Frankfort and when the Town plans to adopt the plans. Town Supervisor Humphreys stated that Highway Superintendent Cleveland would address the question when he arrives at the meeting.

CHAPMAN ROAD IMPROVEMENTS

Gordon Cobb, 9491 Chapman Road was present to learn anything new about the proposed Chapman Road improvements. Councilman Backman responded that a second

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 3

public informational hearing conducted by Oneida County Department of Public Works is tentatively set for mid- to late November 2003 and at which time said Department of Public Works and their engineer will review the project status and hear public comments.

REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER:

Property Maintenance – 119 Sedgewick Park

Despite sending certified letters to the property owner and the mortgage holder, Codes Enforcement Officer Gerald Back reported that the property at 119 Sedgewick Park remains abandoned and no one has responded to him; photos of the property are on file in the Codes Office. Therefore, upon recommendation of the Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Backman:

(RESOLUTION NO. 349 OF 2003)

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

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass/ weeds and bees upon premises located at 119 Sedgewick Park (Tax Map Parcel No. 340.007-1-20), New Hartford, New York, owned by Michael Monington whose last known address is 119 Sedgewick Park; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said Michael Monington and the Cendant Mortgage Company, 7495 New Horizon Way, Keedysville, MD via certified mail, with no responses from either party;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to proceed with removal of said grass/weeds at 119 Sedgewick Park with the costs and expenses incurred by the Town Parks and Recreation Department in connection with said proceedings to be assessed against the land on which said public nuisance exists; and be it

FURTHER RESOLVED that the Codes Enforcement Officer is hereby authorized and directed to employ the services of an exterminator to remove the bees upon the aforesaid property and that all costs associated therewith be levied against said land on which this public nuisance exists.

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 4

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 Resolution was declared unanimously carried and duly adopted.

Proposed Zoning Text Amendment - Yards

Councilman Backman asked that the Codes Enforcement Officer and Town Planner finalize legislation to clarify language about yards in Chapter 118 (Zoning) of the Code so that action could be taken in November 2003.

Commercial Trash Collection – Seneca Turnpike- Commercial Drive area (Agenda Item #1 – Councilman Woodland)

Kathy Boudreau from Benderson Development Corp. had sent a communication to Councilman Waszkiewicz advising that the Consumer Square Mall tenants will be requested not to have their trash collected prior to 7:00 A.M.

DIRECTOR OF SENIOR SERVICES:

Monthly Report

The monthly report for the New Hartford Adult Dining & Activity Center was submitted by Director Spellman, who stated that a Flu Shot Clinic will be conducted at the Center on October 16, 2003.

HIGHWAY SUPERINTENDENT:

Proposed Higby Road Water Tower

As the Town is actively pursuing the expansion of water along Higby Road and is looking to acquire land with proper elevation for a water tower, the Highway Superintendent asked that the matter be discussed in Executive Session.

Joseph Talerico of Higby Road, Frankfort asked why he would want a water tank in his backyard just so that New Hartford can have water, when he already has water in his Frankfort home and there is plenty of water in the Town of Frankfort. Highway Superintendent Cleveland explained that the Town is simply looking for elevations and land has been identified in Frankfort. Addressing Mr. Talerico, Councilman Waszkiewicz commented that there were eight (8) different sites available but only two (2) property owners were interested in selling, one (1) on the Town border and the other that Mr. Talerico is referring to. Nearly two (2) years ago, Councilman Waszkiewicz had

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 5

approached the Frankfort Town Board, proposing a multi-municipal agreement to work together for the placement of a water tower that would help both townships.

The Highway Superintendent explained that an environmental review of the land is needed and also an Option Agreement – probably a mandatory referendum and once that's held, the Town will know whether the project will move forward. Highway Superintendent Cleveland is uncertain where the tank would be located in Frankfort. Frankfort Supervisor Kinney questioned what public benefit the Town of Frankfort would derive and what benefit to community. He wished the Town of Frankfort had been formally notified or would be formally notified because he has to work with the Board. Councilman Backman responded, "... we did approach you and asked if Frankfort wanted to participate in the expansion to offset costs ... low interest grant money ... the income level of New Hartford residents has precluded the Town from obtaining grant money and we invited Frankfort in hoping we could get no-interest or low-interest money." Supervisor Kinney's main concern is getting a better understanding of New Hartford's plans and what benefit Frankfort residents would derive as well as the impact on the character of neighborhoods, residents and property in that proposed area. He noted that the Town of Frankfort had addressed water issues and is going forward with a district for the lower elevations of Frankfort (where more densely populated) without water tanks along Higby Road in Frankfort. Higher elevations didn't want dense population, etc. and the cost of extending water mains would be significant. As a tip to Frankfort's attorney, Councilman Backman cited a lawsuit entitled "Queensbury vs Glens Falls", adding that he is willing to communicate with Supervisor Kinney and keep open communications.

William Sheppard, Town of Frankfort, believes his property will be devalued by a water tower and that the access road to this facility would be close to his home and swimming pool. He has plenty of water and suggested that the Town acquire another property in Frankfort that has a higher elevation than the one being considered.

Councilman Waszkiewicz said he "...will guarantee keeping the line of communications open and will do so formally in writing so things will be crystal clear."

Local Law Introductory No. "E" of 2003 – No Parking/Irving Road (Agenda Item #2 – Councilman Woodland)

Upon recommendation of the Highway Superintendent, Councilman Woodland introduced the following legislation for the Town Board's consideration at a future public hearing; co-sponsored by Councilman Waszkiewicz:

**Town of New Hartford, New York
Local Law Introductory No. "E" of 2003**

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 6

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by adding a portion of Irving Road to Section 113-45. Schedule XI: Parking Prohibited at All Times.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-45, is hereby amended to include the following:

Section 113-45. Schedule XI: Parking Prohibited at ALL Times

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Irving Road	Both	From New York State Route 5 southerly a distance of 65 feet

SECTION 2. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Local Law Introductory No. "E" of 2003 – Public Hearing Scheduled

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

(RESOLUTION NO. 350 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, October 15, 2003 at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, New Hartford, New York to consider **Local Law Introductory No. "E" 2003** which, if adopted, would amend the Code, Chapter 113 thereof entitled **VEHICLE AND TRAFFIC**, by adding a portion of Irving Road to Section 113-45. XI: Parking Prohibited at All Times; and be it

FURTHER RESOLVED that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

Councilman Waszkiewicz - Aye

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 7

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Dedication of Judd Road Trail System – In Memory of Philip Rayhill

Having discussed the matter with Whitestown Supervisor Matthew Shannon, the Highway Superintendent presented the following Resolution for adoption, which was introduced by Councilman Waszkiewicz and seconded by Councilman Butler:

(RESOLUTION NO. 351 OF 2003)

WHEREAS, the Judd Road extension project passes through both the Towns of New Hartford and Whitestown; and

WHEREAS, this project was supported through the Findings of the Town of New Hartford’s Commercial Drive/Seneca Turnpike Generic Environmental Impact Statement (GEIS); and

WHEREAS, a now-deceased resident of both our communities and a community leader of esteemed standing was a proponent of both the Judd Road project itself, and of the GEIS, which supported preservation and protection of the environment; and

WHEREAS, this individual worked tirelessly with federal, state and local officials to bring the Judd Road extension project to the area, while simultaneously working with equal tenacity to create a riparian corridor between two valuable wetlands in the vicinity of the Judd road project; and

WHEREAS, significant portions of the Judd Road project trail system are planned within this riparian corridor; and

WHEREAS, this individual exhibited his great love of the environment by Chairing the Oneida County Environmental Management Council for many years, championing the formation of a Part-County Sewer District, served as Chairman of the Town of Whitestown’s Planning Board, acted as environmental counsel for the Town of New Hartford Planning Board, and vigorously supported the formation of a Regional Water Authority, activities all of which fostered economic development while concurrently providing the opportunity to balance the need to protect and grow our environmental resources;

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 8

THEREFORE, BE IT RESOLVED, that this region of New York State recognizes that it was blessed with a community leader who worked tirelessly to foster economic development while simultaneously working to preserve, protect, and expand our environmental resources for the benefit of our residents and our posterity; and be it

FURTHER RESOLVED that the Town Boards of the Towns of New Hartford and Whitestown do request of the New York State Department of Transportation and of our State and Federal representatives, that to honor the memory of this individual, that the trail system associated with the Judd Road extension project hereby be named and dedicated to the memory of Philip A. Rayhill, an ardent supporter of our holistic community and of the environment.

The Resolution was voted upon by roll 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.

PARKS AND RECREATION DIRECTOR:

Appointments – Part-time, Seasonal Employees

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

(RESOLUTION NO. 352 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department; all wages to be paid bi-weekly:

Winter Recreation Program – commencing Decemer 7, 2003

NAME	POSITION	RATE OF PAY
Jerome Pitarresi	Saturday Gym Director	\$16.85/hour
Gyda Capanna	Recreation Leader	\$15.85/hour
Margaret Brady	Recreation Attendant	\$13.35/hour
Matthew Pitarresi	Recreation Attendant	\$10.35/hour

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 9

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Kyle Cunningham	Recreation Attendant	\$10.35/hour
Daniel Dreimiller	Basketball Attendant	\$16.35/hour

Recreation Center – commencing October 2, 2003

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Dawn Palmano	Ice Attendant	\$ 5.75/hour

The Board members voted upon roll call:

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

The Resolution was declared unanimously carried and duly adopted.

Agreements – Ice Rental & Concession

Upon presentation by the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 353 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Ice Rental Agreements for the 2003-2004 Ice Season between the Town of New Hartford and the *New Hartford Youth Hockey Association*, the *Skating Club of New Hartford* and the *Mohawk Valley Old Timers League*, and which organizations have provided the Town with the appropriate Certificate of Insurance; and be it

FURTHER RESOLVED that said Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Concession Agreement for the 2003-2004 Winter Season between the Town of New Hartford and the *New Hartford Youth Hockey Association*, the latter of whom has provided the required Certificate of Insurance.

A roll call vote ensued:

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

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 10

Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

Southern Reservoir passive recreation – (Agenda item #5 – Councilman Waszkiewicz)

Multi-municipal Parks Officials have met to walk the Southern Reservoir; at that time they identified the minimum space required at the Reservoir so as to make the recreation project worthwhile for New Hartford to be involved. The recreation specialist outlined it on a map and Councilman Waszkiewicz will meet with the Mohawk Valley Water Authority on October 3, 2003. He was hopeful that at the next Water Authority meeting a consensus could be reached as to where the fence will be erected, which would determine what action the Town will take.

State-owned island – Junction of NYS Route 12-NYS Route 12B

The Parks and Recreation Director has submitted a beautification application relative to the island that the New York State Department of Transportation (DOT) owns in front of the Utica National building; said DOT will give the Town permission for access but not title to the land. Supervisor Humphreys suggesting that a committee might be formed to develop a veterans' memorial at the site.

POLICE CHIEF:

Chapter 56 (DOGS AND PETS), Town Code

The matter of amending Town Code to better define "habitual barking" will be held until Attorney Rossi arrives at this meeting.

TELECOMMUNICATOR SUPERVISOR:

CAD Software - PAMET

PAMET is agreeable to splitting the software cost in 2003 and 2004 and Attorney Rossi is reviewing this. A "lease to own" option is available.

Appointment – Part-time Dispatcher

Upon recommendation of the Telecommunicator Supervisor, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 354 OF 2003)

WHEREAS, a Part-time Dispatcher has secured full-time employment with the County of Oneida, which reduces the number of hours he is available to work as a Part-time Dispatcher;

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 11

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Steven Sickler as a Part-time Dispatcher (Public Safety Telecommunicator) at an hourly wage of Nine Dollars and Twenty Cents (\$9.20), payable bi-weekly, commencing October 5, 2003, to cover the hours that the other Part-time Dispatcher is not available due to his full-time employment with Oneida County.

The Supervisor polled the Town Board members who voted as follows:

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

Resolution No. 354 was declared unanimously carried and duly adopted.

TOWN CLERK:

Raffle Consent

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

(RESOLUTION NO. 355 OF 2003)

RESOLVED that the New Hartford Town Board does hereby grant permission to The American Red Cross – Utica Chapter, 1415 Genesee Street, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

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 declared unanimously carried and duly adopted.

REGULAR TOWN BOARD MEETING
October 1, 2003
Page 12

Annual State Aid for Youth Programs

Upon presentation by the Town Clerk, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 356 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor of the Town of New Hartford, New York to make application to the New York State Office of Children and Family Services for all youth funding projects for fiscal year 2004; and be it

FURTHER RESOLVED that the said Town Board, in submitting the various youth program applications, does hereby agree that:

- The Town of New Hartford will abide by the decision of the above-referenced agency as to the propriety of all expenditures upon which State aid is requested
- The program will be operated in compliance with all laws, rules, regulations, resolutions, and codes of the State of New York and pertinent political subdivisions
- No youth will be denied the services or facilities of the programs because of race, creed, color or sex; and
- No fee will be charged for programs, which are supported by State funds.

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

ZONING BOARD OF APPEALS:

Training School

Upon request of the Zoning Board of Appeals Chairman, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 13

(RESOLUTION NO. 357 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 Zoning Board Members Gerald Green, Randy Bogar, Robert Schulman, Frederick Kiehm, Timothy Tallman and Steve Welty to attend workshops sponsored by the Cornell Cooperative Extension at M.V.C.C., Utica, New York, [Local Planning & Zoning: Who Does What to Whom and When on October 7, 2003 and The ABC's of Special Use Permits and Site Plan Review Basics on October 14, 2003, with the Fifty Dollar (\$50) fee for both sessions, for the entire Zoning Board, 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.

MATTERS SUBMITTED BY COUNCILMEN AND ATTORNEY

COUNCILMAN BACKMAN:

Agenda items:

- *Payroll letter enclosure* – Reminder letter to all non-union employees that vacation time must be used on or before December 31, 2003; falsifying time cards is illegal; sick time is to be used for illness, not vacation time. Attorney Rossi to review the letter to make sure it's not in violation of any union contract.
- *Cell phone policy revision* – Four (4) employees at the Sanger Public Works Garage have cellular phones assigned to them and in the past, employees reimbursed the Town for personal calls on these phones, as required in the Employee Handbook. Since 2002, however, no reimbursements have been made to the Town and it becomes difficult to monitor and/or determine what are business calls and what are personal. Councilman Backman suggested the employees split 50/50 the cost of their cellular phone and the employee can use the phone all they want, excluding long distance and that the Town Board revise

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 14

the last paragraph in the Employee Handbook. After some discussion, the Highway Superintendent suggested that the employees reimburse the Town since 2002 and maintain the present system of paying for personal calls. Councilmen Waszkiewicz and Woodland would like to give it some thought and act at a later date. Councilman Backman questioned why a secretary would need a cellular phone; the Highway Superintendent responded that when he's in the field, it's easier to access the secretary through a cell phone and that he's had to contact her when she's been sick. Councilman Butler suggested that the Highway Superintendent keep the 4th phone (the secretary's) at the Sanger Public Works Garage and delegate its use at his discretion. The Town Police Chief stated the Police Department constantly calls the Deputy Highway Superintendent all times of day and night and that his Department could log those in-coming calls to the Deputy's phone.

- Sessions Road reconstruction – The Highway Superintendent is seeking survey quotes and expects to have what Councilman Backman's looking for by the November 5, 2003 Town Board meeting. If not reconstructed this year, Sessions Road should have two (2) patches.
- Town T-1 conversion – Councilman urged the Town to convert to T-1 lines, replacing the existing 56K lines that are slow and bog down the computers; the Town's computer support team is recommending the T-1 and he explained the two ways of doing it. Councilman Waszkiewicz asked that the matter be delayed until the October 15, 2003 meeting and he will contact some people.
- Chapman Road reconstruction – the first informational hearing was held in September and Councilman Backman will confirm the date of the second hearing anticipated in November 2003. Mrs. Gordon Cobb commented she's "...still shooting for a caution light at Weston-Chapman Road intersection" where there's been another motor vehicle accident.
- Willowvale Fire Company progress report – Progress is being made on ground work for the new Firehouse and the Fire Company is hoping for a November 2003 groundbreaking.
- Higby Road speed study – Councilman Backman had talked with a gentlemen about the long process involved in speed studies and lowering speed limits. Chief Philo has assigned Lt. O'Neill to meet with this person on October 2, 2003 to demonstrate how the speed trailer works and why tickets aren't issued for only five (5) miles over the speed limit; try to make him understand why the Police can do some things and not others. Councilman Backman requested that the speed trailer be set up on Higby Road on an infrequent basis, but as often as can be.

[NOTE: Attorney Rossi joined the meeting at 8:49 P.M.]

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 15

- Roberts Road speed limit issue – Trying to get speed limit reduction but with little success, said Councilman Backman. He would like to write to NYS Senator and Assemblyman for this district to see if they can break the logjam on this road. Councilman Backman has the NYS Department of Transportation records on this road after FOILING same.
- Web site biographies – Councilman Backman thanked all Town Officials for complying with the request for biographies and now posted on the Web site; only waiting for the Receiver of Tax's now – have received the Highway Superintendent's which will be provided to the Webmaster, Jim and Cathy Lawrence.
- Status of Snowden Hill water expansion – Councilman Backman would like an update from Burley & Guminiak on the Tibbitts-Snowden Hill Road water project; know the Town had some tentative grant money; he will follow up with the Highway Superintendent.
- Update Higby Road water tank/expansion, schedule initial public hearings – Before the Town spends too much money, Councilman Backman would like to receive input from residents of the benefit area, which would be mostly 1st Ward residents. To that issue, he would like to schedule some December 2003 initial public hearings. The public hearings are a matter of requirement, said Councilman Waszkiewicz, who promotes and welcomes them; he already has neighborhood meetings planned as well. He wants to document each of the steps along the way so the Town and residents are aware of the process. He echoes Councilman Backman's thoughts and hopefully the Highway Superintendent will be able to crystallize that tonight.

COUNCILMAN WASZKIEWICZ:

Agenda item's

- Grant Writing update – Connie Miner & Herkimer-Oneida County Community Foundation – spoke to Ms. Miner who has asked to extend the time of the agreement; she hasn't billed the Town because she'd hasn't formally done any grants. Did pre-grant work with the Town Planner and didn't charge – the filing deadline is two (2) years down the road. Councilman Waszkiewicz and the Highway Superintendent will work on median income information for Ms. Miner for some grant work. Attorney Rossi says the Town Board can extend Ms. Miner's contract by Board consensus.
- Information & material storage analysis/ASR System – Bob Dudley said grant applications are due in February 2004 and the process should begin in November 2003 – the dollars are being distributed for grants previously applied for and because ASR has been so successful in tapping funds, they are consumed with filling their contracts from eighteen (18) months ago.

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 16

- New York Mills annexation of specified properties – Status report – Councilman Waszkiewicz thanked Attorney Rossi for crafting three (3) separate petitions, that each resident will sign for their specific area. Mayor Maciol and Councilman Waszkiewicz will visit residents the week of October 6, 2003
- Woods Highway Traffic Study update – In its last phase and final report is to be given to the Highway Superintendent at Thanksgiving time.

COUNCILMAN BUTLER:

Agenda items:

- Possible Speed Limit or “Children at Play” sign near 4 Foxcroft Road – Residents have asked for either a speed limit sign or “Children at Play” sign. Police Chief Philo said there is an existing area speed limit and generally you don’t erect speed limit signs within the area, only on the exterior. If no “Children at Play” signs exist, this might be the better choice. Chief Philo will conduct an on-site inspection and report at the October 15, 2003 meeting.

ATTORNEY ROSSI

Letter of Credit – Whitetail Meadows Subdivision

Attorney Rossi reported that Whitetail Meadow’s \$23,500 has been held in an escrow account until the Town received the required Letter of Credit for road completion. Thereafter, Councilman Backman offered the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 358 OF 2003)

WHEREAS, the developer of the Whitetail Meadows Subdivision did, on September 19, 2003, furnish the Town of New Hartford with a four (4) year irrevocable Letter of Credit to ensure completion of the top course on Kay Circle and Florence Court within said Subdivision;

NOW, THEREFORE, BE IT RESOVLED that the New Hartford Town Board does hereby authorize and direct Attorney for the Town, Vincent J. Rossi, Jr., to release the Twenty-three Thousand Five Hundred Dollar (\$23,500) cash retainer in lieu of the Letter of Credit having been received.

The Town Board members were polled individually as follows:

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

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 17

Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted. Attorney Rossi had sent correspondence to the Town Board on this matter.

Sale of Lots – Whitetail Meadows/Water Transportation Corporation

Attorney Rossi recalled that the Town Board resolved at the September 17, 2003 meeting to have Building Permits issued except for lots that the Water Works Corporation would serve need to clarify that agreement between the Town and the Corporation – before Whitetail Meadows can sell any lots within the Corporation. The road top course is needed and some minor things.

Road Dedication – Jubilee Estates Subdivision

Attorney Rossi advised Herbert Cully, Attorney for Jubilee Estates Subdivision, by letter that money or a Letter of Credit is needed – currently, roads in this Subdivision are not dedicated and Building Permits have been issued – about six (6) houses have been constructed and the owners will be asking for Certificates of Occupancy.

Local Law Introductory No. “F” of 2003 – Amend Town Code, Chapter 56 (DOGS AND PETS)

Attorney Rossi submitted draft legislation to amend the Town Code, Chapter 56, to better define “habitual barking” of dogs. Thereafter, Councilman Waszkiewicz introduced the following legislation for the Town Board’s consideration at a future date; co-sponsored by Councilman Butler:

**Town of New Hartford, New York
Local Law Introductory No. “F” of 2003**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 56** thereof entitled **DOGS AND PETS**, by defining the term “habitual loud howling or barking” and “habitual chasing”.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 56 of the Code of the Town of New Hartford, Section 56-1, is hereby amended as follows:

Section 56-1. Restrictions and regulations; dogs

Add the following sentence to Subparagraph B:

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 18

Howling or barking for five (5) minutes or more shall constitute habitual loud howling or barking in violation of this section.

Add the following sentence to Subparagraph E:

Chasing or barking at ten (10) or more motor vehicles during any seven (7) consecutive days shall constitute a violation of this section.

SECTION 2. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RECESS

The Town Supervisor granted a recess at 9:10 P.M.; the meeting reconvened at 9:25 P.M.

Local Law Introductory No. "F" of 2003 – Public Hearing Scheduled

Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 359 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, November 5, 2003 at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Community Meeting Room of Butler Memorial Hall, 48 Genesee Street, New Hartford, NY to consider **Local Law Introductory No. "F" of 2003** which, if adopted, would amend the Code, Chapter 56 thereof entitled **DOGS AND PETS**, by defining the term "habitual loud howling or barking" and "habitual chasing"; and be it

FURTHER RESOLVED that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

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

REGULAR TOWN BOARD MEETING
October 1, 2003
Page 19

The Supervisor declared the Resolution unanimously carried and duly adopted.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Town T-1 Conversion (Councilman Backman's agenda item)

Supervisor Humphreys reviewed two quotes for the conversion of existing 56K lines to T-1 for computers. Councilman Waszkiewicz asked to review the quotes and to consult with an individual in the computer business.

Payroll Letter Enclosure (Councilman Backman's agenda item)

While Attorney Rossi believed the proposed letter to employees about use of vacation and sick time and falsification of timesheets was fine, he suggested that Peter Jones, Attorney representing the Town in union negotiations, be consulted for his opinion. Supervisor Humphreys will FAX the proposed letter to Attorney Jones on October 2, 2003; and if approved by Attorney Jones, Board consensus was to insert this notification in the next payroll envelopes.

Audit of Vouchers

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

(RESOLUTION NO. 360 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:

General Fund, Whole-Town Abstract No. 34	\$ 84.46
General Fund, Whole-Town Abstract No. 35	\$ 55,729.99
General Fund, Part-Town Abstract No. 24	\$ 108.92
General Fund, Part-Town Abstract No. 25	\$ 46,214.62
Highway Fund, Part-Town Abstract No. 22	\$ 4,607.89
Highway Fund, Part-Town Abstract No. 23	\$ 25,756.06
Sewer Fund Abstract No. 13	\$ 54.46
Sewer Fund Abstract No. 14	\$ 11,853.25
Drainage Abstract No.15	\$ 607.34
TOTAL:	\$145,016.99

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 20

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

The Resolution was declared unanimously carried and duly adopted.

2004 Tentative Budget

The Tentative Budget for Fiscal Year 2004 had been filed with the Town Clerk on September 30, 2003. Standing Committees will begin working with Department Heads.

Motor Vehicle Parking Ticket

Last year the Town received notification of an unpaid Parking Ticket in the amount of Fifty-five Dollars (\$55) issued on a Town vehicle three (3) years ago in Albany, NY. The Town Supervisor had delved into the matter and had believed the issue had been taken care of. However, during the latter part of September 2003, the Town received another notice that the Parking Ticket remained unpaid. Under the amnesty program that expires December 31, 2003, the fine has been reduced to Thirty Dollars (\$30); and after some discussion as to who should be responsible for payment, Attorney Rossi advised the Board to pay the Parking Ticket and move on. Thereafter, Town Board consensus was to pay the Thirty Dollar (\$30) fine out of the Assessor's contractual account.

Payroll Fringe Benefit – Flexible Spending (Pre-tax dollars)

The Town had subscribed to a plan offered by EBS Benefit Solutions involving pre-tax dollars for unreimbursed medical and dental expenses and child day care expenses. Recently, the administrative fee had been increased from Twenty-five Dollars (\$25) per month to Fifty Dollars (\$50) per month – as only four (4) employees take advantage of this program, the Supervisor questioned whether the Town should continue to pay the administrative fee or pass it on to the four (4) employees to share the cost. The Town Supervisor will ask former Comptroller Tyksinski if there's any alternative. Councilman Waszkiewicz believed it should be no charge for employees or for the Town; if EBS won't waive the administrative fee and employees have never been charged before, he believed the program should continue free or give the employees an alternative. The Supervisor will determine the amount of money going through the program and report at October 15, 2003 Town Board meeting.

EXECUTIVE SESSION

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

(RESOLUTION NO. 361 OF 2003)

REGULAR TOWN BOARD MEETING

October 1, 2003

Page 21

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition and counsel's legal advice pertaining to a particular employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy Town Clerk were then excused from the meeting at 10:09 P.M. Attorney Rossi and the Highway Superintendent remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 362 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 10:40 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 by Councilman Butler and seconded by Councilman Woodland, the meeting was adjourned at 10:42 P.M.

REGULAR TOWN BOARD MEETING
October 1, 2003
Page 22

Respectfully Submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk