

**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, NOVEMBER 19, 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: Codes Enforcement Officer Gerald F. Back
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland and
Dep. Highway Supt. Anthony DeCuffa
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC

OTHERS: Attorney for the Town, Vincent Rossi, Jr

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

GRANT WRITER – CONNIE MINER

Ms. Miner met with the Town Supervisor and Councilman Waszkiewicz at 6:00 P.M. to discuss possible grant applications/formation of a 501 3 C and the status of meetings with and requests for information from Department Heads; the discussion continued with the full Board being present and concluded at 7:10 P.M.

PUBLIC PRESENTATIONS

CONSTITUENT CONCERNS – SHIRLEY RIGGLES:

Assessment Certioraris

Ms. Riggles inquired how Attorney Vincent J. Rossi, Jr. becomes involved in assessment matters such as Murad and Cully, both mentioned at the November 5, 2003 Town Board meeting. Supervisor Humphreys explained that Attorney Rossi represents the Town in these cases; occasionally New Hartford School counsel and some outside counsels handle some cases. Assessment Certioraris are formal lawsuits brought by property owners and discussed in Executive Session; the outcome is public.

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Leaf Collection Program

Ms. Riggles expressed her displeasure with the Highway Department's leaf pickup program, alleging that leaves in her area haven't been picked up in five (5) weeks while other areas of the Town have received more attention, that the crews used shovels instead of the leaf vacuum machine and that the Wedgewood Apartments have dumped their leaves on Golf Avenue, contrary to the Town's brochure/policy.

Highway Superintendent Cleveland doesn't believe there is anyplace in the Town that went five (5) weeks without leaf pickup. The primary responsibility of the Town Highway Department is to keep roads clear, not leaf pick up. The vacuum machine is not being used because the leaves are too heavy from rain and two (2) snowstorms. The Highway Department is still picking up leaves, and will continue to do so until winter weather prohibits this.

Vehicular Parking across sidewalk

A one-family residence on Golf Avenue has been rented out and Ms. Riggles claims that cars are constantly parked across the sidewalk. She alleged that the structure has been converted into a 2-family unit with no exit stairs for the second floor. Vehicles are being parked at 8 and 10 Golf Ave., right up to front door across the sidewalk.

CONSTITUENT CONCERNS – DENNIS THOMPSON:

Town Board meetings – length/recess

Mr. Thompson believes the bi-monthly meetings are too long and he believes many matters should be taken care of during the day and just leave a flier out for the interested people. He suggested the Town Board "...take a break at 9:00 P.M. and give the ladies a break – you guys can get up and move around but they have to sit here".

Ice Resurfacing Machine (Zamboni – Recreation Center)

Mr. Thompson questioned why the Town has three (3) zamboni machines. The Town Supervisor explained that the 1987 model will be disposed of, leaving the Town with two (2).

Familial Appointments

Mr. Thompson noted that Ms. Riggles often complains about the Town hiring relatives of employees and he agreed with her complaint.

Agenda – Town Board meetings

Mr. Thompson suggested that the Town Board "...stick to the order of the Agenda instead of hopping around; Department Heads should be here in the order to discuss matters according to the Agenda.

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Councilman Backman responded that the Town Board does have sub-committees (Standing Committees) that meet to discuss matters and at the same time are careful that the public doesn't think things "...are a done deal". Councilman Butler agreed with Councilman Backman's statement, adding that sometimes the committee members can't agree – so they become agenda items because the ENTIRE Board must make the decision. Councilman Woodland commented "...and there have been times the Town Board doesn't agree with the subcommittee recommendation.

REPORTS OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT:

Recognition – Green Waste Compost Facility

On November 14, 2003 the American Public Works Association, the Central New York Chapter, presented Highway Superintendent Roger Cleveland with a plaque for the Environmental Project of the year award for its green waste compost facility.

Appointments – Temporary, seasonal Laborers

Upon recommendation of the Highway Superintendent and Personnel having reviewed the paperwork, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Butler

(RESOLUTION NO. 412 OF 2003)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals as temporary, seasonal Laborers (Wingmen) for the Highway Department at the hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly; with said appointments to take effect with the dates listed hereunder:

<u>NAME</u>	<u>EMPLOYMENT DATE</u>
Michael Shaw	November 10, 2003
Robert Thornton	November 20, 2003
Shawn Eddy	November 20, 2003
Brian Smith	November 20, 2003.

Whereupon, the Town Board voted upon roll call:

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

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The Resolution was then declared unanimously carried and duly adopted.

Judd Road Connector Project

The Highway Superintendent has received Technical Memorandum No. 3 for the Judd Road project and offered to provide copies to any interested Board member.

Inter-municipal Agreement – Green Waste Compost Site

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

(RESOLUTION NO. 413 OF 2003)

RESOLVED that the New Hartford Town Board does hereby authorize the Town Supervisor to enter into and to execute an Inter-municipal Agreement between the Town and the Village of New York Mills, the latter of who will reimburse the Town for use of the Town's Green Waste Compost facility.

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.

Authorization for Competitive Bid – Heavy-duty Chassis/Combination Sewer/Catch Basin Cleaning Machine

Upon further recommendation of the Highway Superintendent, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Butler seconded same:

(RESOLUTION NO. 414 OF 2003)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of one (1) new Heavy-duty Chassis with Chassis Mounted Combination Sewer and Catch Basin Cleaning Machine, in accordance with Town specifications, to be delivered and paid in Fiscal Year 2004; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Tuesday, December 2, 2003 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

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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 Town Board 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.

Drainage Easement – Beechwood Road

Mrs. Zammiello is in agreement with the easement; however, the Highway Superintendent hasn't heard from the uphill resident and he stressed that both easements are needed to resolve the drainage issue.

Shift Leaders/Winter Season – Highway Department

The Highway Superintendent and Public Works Committee discussed today the difficulties in changing shifts during the winter season, the proposed designation of shift leaders and possible compensation or an incentive offer for what they're responsible during the approaching winter season. Committee asked it to be brought before the Town Board. Committee member/Councilman Butler acknowledged that shift leaders in the past rose to the occasion and took it upon themselves; now with retirement of some of these people, the Highway Superintendent and Deputy state that no one currently is stepping up to assume this responsibility. Deputy DeCuffa explained the responsibility of shift leader. After more discussion, the matter was tabled until this matter could be discussed with the Attorney Peter Jones who represents the Town during union negotiations.

William Marshall, an employee in the Highway Department, said he ran the third shift for ten (10) years and didn't ask for anything, didn't expect anything; believed it was part of his position. Further, he believed there are people in charge; on the third shift, there would end up being two (2) or three (3) different people as shift leaders; it would be a bookkeeping nightmare – really consider this.

Salt and Sand Substitute Cost Comparisons (Agenda item – Councilman Waszkiewicz)

Deputy Highway Superintendent DeCuffa reported that a salt substitute has been ordered and used last year with some benefits. By adding magnesium chloride to salt on days when the temperature is 15 degrees and below, the Highway crews don't have to keep

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going out, which saves the Town money. Councilman Waszkiewicz complimented the Highway Superintendent and Deputy for being pro-active.

Roberts Road-Mohawk Street triangle (Agenda item – Councilman Backman)

Councilman Backman suggested that Oneida County Department of Public Works Deputy Commissioner Dennis Davis be contacted about cutting brush next year in the triangular area of this intersection, which is under the County's jurisdiction.

Kellogg Road, left-turn only into TOPS Plaza (Agenda item – Councilman Backman)

Councilman Backman asked the Highway Superintendent and Police Chief Ray to look into this suggestion and do a study.

Sessions Road resurfacing

Rodger Reynolds complimented the Highway Department on the fine job of resurfacing Sessions Road between Mohawk Street and Higby Road; he travels through that area four (4) times a day with a big truck.

School Bus Stop Ahead Sign – Clinton Road (Agenda item – Councilman Woodland)

In September 2003 the Town Board had authorized a letter to be forwarded to the State Department of Transportation (DOT) asking their consideration in erecting a "School Bus Stop Ahead" sign in the vicinity of 132 Clinton Road; since no response has been received, Councilman Woodland asked the Highway Superintendent to check with DOT.

2002 Insurance Claim – Parkway East, off Pleasant Street

The Highway Superintendent and Attorney Rossi had met regarding the John and MaryAnne Doti claim against the Town for water damage to their 712-14 Parkway East property as a result of alleged inadequate construction and/or maintenance of the new reservoir access road off Pleasant Street. The Highway Superintendent doesn't believe the Town has any responsibility in this matter. The Town's insurance deductible is One Thousand Dollars (\$1,000) and the Insurance Company could defend the Town. It was the Town Board's consensus that its Insurance Company proceed.

PUBLIC HEARING

8:11 P.M.

Public Hearing on Local Law

Introductory No. "F", as amended, of 2003

(Dogs and Pets)

The Supervisor opened the Public Hearing at 8:11 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (November 7, 2003 Edition of Observer Dispatch) and Affidavit of Posting. Supervisor Humphreys stated that the purpose of the Hearing was to offer the public an opportunity to speak in favor of or in opposition to Local Law Introductory No. "F", as amended, of 2003 which, if adopted, would amend

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the Town Code, Chapter 56 – Dogs and Pets, by defining the terms “habitual loud howling or barking” and “habitual chasing”.

Supervisor Humphreys inquired if anyone present wished to speak for or against the proposed legislation which adds a time frame and distance to habitual loud barking and howling and habitual chasing. One person spoke:

- Nathaniel Richmond, 30 Woodberry Road, was in favor of making these changes. He questioned that if the Town already has a law that prohibits dogs at the Town Parks and Athletic Field, can the Town prohibit dog owners from allowing their dogs to run loose during sporting events. Attorney Rossi replied affirmatively and suggested that Mr. Richmond submit a proposal. This, however, would be subject to a public hearing.

No one further having appeared in the matter, the Public Hearing was declared closed at 8:17 P.M.

Adoption – Local Law No. Six of 2003

Councilman Woodland then moved that Local Law Introductory No. “F”, as amended, of 2003 be adopted as Local Law No. Six of 2003 in the following format; seconded by Councilman Waszkiewicz:

Town of New Hartford, New York
Local Law No. Six 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:

Howling or barking, audible from a location beyond the owner’s or caretaker’s premises, for five (5) minutes or more with less than one (1) minute interruption, shall constitute habitual loud howling or barking in violation of this section.

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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.

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.

Local Law Introductory No. “F”, as amended, of 2003 was then declared unanimously carried and duly adopted as Local Law No. Six of 2003.

**8:18 P.M. Public Hearing on Local Law Introductory
No. “H” of 2003 (Fire Lanes)**

Supervisor Humphreys then opened the Public Hearing at 8:18 P.M. and the Town Clerk presented the Notice of Public Hearing, Proof of Publication (November 7, 2003 Edition of Observer Dispatch) and Affidavit of Posting. The Town Supervisor announced that the purpose of the Hearing was to offer the public an opportunity to speak in favor of or in opposition to Local Law Introductory No. “H” of 2003 which, if adopted, would amend the Town Code, Chapter 113 – Vehicles and Traffic, by establishing fire lanes/no parking areas along specific buildings in the Consumer Square Shopping Mall. The Town Police Department had worked with New York Mills Fire Chief Robert Glenn to define the areas for no parking so as to establish fire lanes for emergency vehicles.

The Supervisor inquired if anyone present wished to speak in favor of or in opposition to the legislation. No one came forth.

Thereafter, the Public Hearing was closed at 8:21 P.M

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Adoption – Local Law No. Seven of 2003

Councilman Waszkiewicz then moved that Local Law Introductory No. “H” of 2003 be adopted as Local Law No. Seven of 2003 in the following format; seconded by Councilman Butler:

Town of New Hartford, New York
Local Law No. Seven of 2003

A Local Law to Amend the Code of the Town of New Hartford, **Chapter 113** thereof, entitled **VEHICLES AND TRAFFIC**, by amending Section 113-27. Semi-public parking areas and driveways and specifically relating to the Consumer Square Shopping Mall.

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 113-27, Semipublic Parking Areas and Driveways, is hereby amended as follows:

Section 113-27. Semipublic parking areas and driveways

Add the following Subparagraph:

- F. Consumer Square Shopping Mall, Commercial Drive, New Hartford, New York
- (1) Parking prohibited:
- a) Fire lanes located across the front of Building 1’s westerly side and the Building’s southerly side
 - b) Fire lanes located across the front of Building 2’s southwesterly side
 - c) Fire lanes located across the front of Building 3’s southeasterly side
 - d) Fire lanes located across the front of Building 4’s easterly side and the Building’s southerly side

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.

The Supervisor polled the Board members who voted as follows:

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

Local Law Introductory No. "H" of 2003 was then declared unanimously carried and duly adopted as Local Law No. Seven of 2003.

REPORTS OF TOWN OFFICIALS (CONT'D)

CODES ENFORCEMENT OFFICER:

Unsafe Building & Property Maintenance – (12 & 14 Dixon Road)

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

(RESOLUTION NO. 415 OF 2003)

WHEREAS, the Town Code, Chapter 52 (Unsafe Buildings) and Chapter 94 (Property Maintenance) permits the Town of New Hartford to take necessary action to eliminate fire or health hazard or public nuisance to residents of said Town; and

WHEREAS, the Town Codes Enforcement Officer has received 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 on November 19, 2003 received complaints that youth are trespassing upon said property and the structure thereon; and

WHEREAS, complaints have also been received about 14 Dixon Road (Tax Map Parcel No. 328.012-2-36), New Hartford, New York owned by William Sales whose last known address is 14 Dixon Road, New Hartford, New York and which property appears to be abandoned;

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 perform an on-site inspection of 12 Dixon Road and arrange with the Parks and Recreation Department or the Highway Department to secure 12 Dixon Road, further, upon the Codes Officer's on-site inspection of 14 Dixon Road and the determination that said property is abandoned, to proceed with securing that property as well, with all costs and expenses incurred by the Town for securing these properties to be levied against the land

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on which said public nuisances exists; specifically, the Town Board authorizes this expense to be levied against such real estate by the Oneida County Finance Department for tax year 2005.

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.

Codes Violations (Agenda items – Councilman Backman)

- 9 Kellogg Road (abandoned property); Councilman Backman noticed some signs of improvement (new roof, getting things in shape – wanted the Town Board to know, but if no substantial progress is made by Summer of 2004, will ask for sanctions
- Abelove (former E J Peters Corp.), Oneida Street, Chadwicks; building used by Mr. Abelove for his car hobby – last winter after heavy snowfall, the rear roof fell in and after being given options, Mr. Abelove chose demolition by Oct 31, 2003. Since no action has begun, Councilman Backman asked Attorney Rossi to start official condemnation procedures. Attorney Rossi suggested waiting until the December 3, 2003 Town Board meeting.

TOWN CLERK:

Local Law Introductory No. “G” of 2003 – Schedule Public Hearing

Local Law Introductory No. “G”, a zoning text amendment, had been introduced at the October 15, 2003 Town Board meeting; since that time, the Town has received recommendations of approval from the Town Planning Board and Oneida County Planning Department after their review under GML and the Town’s Zoning Law. However, Councilman Waszkiewicz raised several questions and after some discussion, Attorney Rossi agreed to discuss the matter further with the Town Planner for clarification purposes. A Public Hearing was not scheduled at this time.

Property Maintenance

Upon recommendation of the Oneida County Finance Commissioner, the following Resolution was introduced for adoption by Councilman Backman and seconded by Councilman Woodland:

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(RESOLUTION NO. 416 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 and debris upon numerous properties within the Town that appear to be abandoned, with attempts to contact the property owners being in vain;

NOW, THEREFORE, BE IT RESOLVED that, the Town Board of the Town of New Hartford having authorized the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawns and clearing the properties of debris, said Town Board does hereby authorize and direct that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the several lands on which said public nuisances exist and does hereby authorize and direct Oneida County to levy such charges on the 2004 Town and County tax bills for the following properties:

- John Hyde, 3738 Oneida Street, New Hartford
- Gerald & Sandra Lynch, 12 Dixon Road, New Hartford
- Pawelek, 3351 Church Street, Chadwicks
- Monington, 119 Sedgewick Park, New Hartford.

The foregoing 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.

Raffle Consent

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

(RESOLUTION NO. 417 OF 2003)

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RESOLVED that the New Hartford Town Board does hereby grant permission to Herkimer County College Foundation, Inc., Herkimer, 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 the Sangertown Square Shopping 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.

Councilman Waszkiewicz disclosed that he serves on the Foundation Board but believes he has no conflict. 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.

POLICE CHIEF:

The Police Chief was present but had no report.

Vehicular Parking – Sidewalks at 8 and 10 Golf Avenue

Councilman Butler asked Police Chief Philo to check into Ms. Riggles' complaint about vehicles parking over the sidewalks at 8 and 10 Golf Avenue.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN

Agenda items:

- Agricultural zoning brochure – Regarding the “draft” presented by the Highway Superintendent at the November 5, 2003 Town Board meeting about notifying prospective property owners who build homes in an agricultural district (regulated by the NYS Department of Agriculture and Markets), Councilman Backman will work with Codes Officer Gerald Back about finalizing the document, having it adopted so that copies may be distributed to new property owners by the Codes Office.

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- Town newsletter/communication – Councilman Backman would like a town mailing early in 2004 to address financial, codes, assessments and whatever else the Board deems the constituents should be aware of. He would be willing to work with Personnel Assistant Barbara Aiello to accomplish this. Possibly include this information with the Parks and Recreation mailing or Highway mailing.
- ADELPHIA – had promised to wire the Town and a constituent asked for service but was turned down. Councilman Backman subsequently contacted Linda Henry of ADELPHIA but was told his constituent would have to wait for more subscribers. He requested that the Town Supervisor forward a letter to ADELPHIA reminding them of the commitment they had made.
- Town budget on the Web site – the Bookkeeper will be contacted to download this document and have it forwarded to the Web Master
- Land acquisition – Executive session matter

COUNCILMAN WASZKIEWICZ

Agenda items:

- March Associates' study of Partlow Building – he's opposed to performing a study
- Grant Writing update – Connie Miner & Herkimer-Oneida County Community Foundation – Connie updated Supervisor and JC on grant availability and meetings with some department heads at 6:00 P.M., immediately prior to the start of this meeting
- Information & material storage analysis/site survey report – Councilman has met with sales representatives of ergonomic office equipment and discussed the layout of offices in Butler Memorial Hall or a 10,000 square foot shell to determine if consolidation of offices can occur; will have final for the December 3, 2003 Town Board meeting.
- New York Mills annexation of specified properties – hearings to be scheduled for December 17, 2003 at 6:00 P.M. in the New York Mills municipal building
- Higby Road water tank update – Councilman plans to schedule a neighborhood meeting as soon as practical before the next Town Board meeting
- Petition State to permit Town to implement a cap, maximum percentage amount that an assessment can increase in any one year – Attorney Rossi commented that this probably won't be approved by the State
- Contracted and negotiated electric and power charges – Councilman offered to the Supervisor the list of people who had provided quotes to him on other properties for gas and electric
- Suggested wording for advertising seasonal, part-time positions – had worked with Personnel Assistant Aiello – send Memo to Department Heads that all new

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employees or vacancies be done through her office so proper public notification can be made to schools, etc.

COUNCILMAN BUTLER

Agenda items:

- Sears-Galligano update – Zoning Board matter – he contacted the Dorsey’s and she doesn’t want to pay out any more legal fees (attorney); her property would have to be subdivided and approval granted by her bank to do this; fence would have to be moved and both parcels would have to be resurveyed. Because this could result in a lawsuit, Attorney Rossi suggested the matter be discussed in Executive Session
- List of Committee and Board expirations – Councilman Butler would like a copy of this; he presented the request of Ben Benson who expressed interest in filling an up-coming vacancy on the Planning Board; Police Commissioner Patrick Cardinale submitted a letter asking that James Spellman be reappointed as Chairman of the Police Commission, effective January 1, 2004. Chairmanship is selected by members of the respective board/committee/commission

COUNCILMAN WOODLAND

Parent/Grandparent real property tax exemption – 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. “I” of 2003

A Local Law to Amend the Code of the Town of New Hartford, **Chapter 107** thereof, entitled **TAXATION**, by adding a new Article VI, Partial Real Property Tax Exemption of Living Quarters for Parent or Grandparent.

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

SECTION 1. Chapter 107 of the Code of the Town of New Hartford, is hereby amended by adding the following new Article:

Article VI
Partial Real Property Tax Exemption of
Living Quarters for Parent or Grandparent

Section 1. Statutory Authority

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This article is adopted pursuant to the authority of Real Property Tax Law Section 469. All definitions, terms and conditions of such statute shall apply to this Article.

Section 2. Exemption Granted

Residential property that is constructed or reconstructed as an auxiliary dwelling unit for a parent or grandparent sixty-two (62) years of age or older is exempt from taxation to the extent of any increase in assessed value attributable to such construction or reconstruction. Such improvements are exempt for general municipal taxes and special ad valorem levies, but are liable for special assessments.

Section 3. Time Requirements

- Required Construction Start Date
 - Exemption applies only to construction or reconstruction that occurred after August 30, 2000.
- Duration of Exemption
 - The exemption applies only during the taxable years in which such living quarters are a primary residence of the eligible parent or grandparent.

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.

Schedule Public Hearing – Local Law Introductory No. “I” of 2003
(Parent/Grandparent Real Property Tax Exemption)

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

(RESOLUTION NO. 418 OF 2003)

RESOLVED that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, December 17, 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

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Memorial Hall, 48 Genesee Street, New Hartford, NY to consider **Local Law Introductory No. "I" of 2003** which, if adopted, would amend the Code, Chapter 107 thereof entitled **TAXATION**, by adopting the provisions of Section 469 of the State Real Property Tax Law, allowing in certain cases a partial tax exemption for parent or grandparent living quarters; 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.

The Supervisor declared the Resolution unanimously carried and duly adopted.

MATTERS SUBMITTED BY TOWN SUPERVISOR:

Audit of Vouchers

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

(RESOLUTION NO. 419 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. 40	\$ 205.48
General Fund, Whole-Town Abstract No. 41	\$ 11,591.08
General Fund, Whole-Town Abstract No. 42	\$ 113,281.60
General Fund, Part-Town Abstract No. 28	\$ 82,757.32
Highway Fund, Part-Town Abstract No. 27	\$ 119,112.08
Sewer Fund Abstract No. 18	\$ 7,812.00
Sewer Fund Abstract No. 17	\$ 1,340.05
Sessions Road Project Abstract No. 1	\$ 20,077.72
TOTAL:	\$ 356,177.33

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.

Payroll Flexible Spending Plan

Relative to the administrative fee increase for the EBS flex spending benefit, Supervisor Humphreys stated that all three (3) employees have opted out of the program.

Traffic Light – Mohawk Street-Higby Road intersection

Concerning a recent request for a traffic light at the Mohawk Street-Higby Road intersection due to traffic and the pending expansion of the Charles Sitrin Healthcare Center, Planning Board Chairman Yagey had informed the Town Supervisor that installation of a traffic light at this intersection will be a condition of approval for the Healthcare Center development.

New Hartford Street Annexation - Public Hearing Scheduled

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

(RESOLUTION NO. 420 OF 2003)

WHEREAS, the Town Board of the Town of New Hartford and the Village Board of the Village of New York Mills have received Petitions pursuant to General Municipal Law, Article 17, for the annexation of the following described territory situate in the Town to the Village:

An area along the rear of lots fronting on a portion of **New Hartford Street** on the southwest boundary between the Town and Village as shown on “Exhibit 1” attached hereto.

NOW, THEREFORE, BE IT RESOLVED that on the 17th day of **December, 2003** at **6:00 P.M.** in the afternoon of that day, a joint hearing upon such Petitions will be held by the Town Board of the Town of New Hartford and the Village Board of the Village of New York Mills at the Village of New York Mills Offices, One Maple Street, New York Mills, New York 13417; and be it

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FURTHER RESOLVED that the members of the aforesaid Boards will meet and hear any objections which may be presented against such Petitions for annexation including, but not limited to, any of the following grounds:

- a) That a person signing the Petition is not qualified therefore; or
- b) That the persons signing such Petitions do not constitute 20% of the persons residing within such territory qualified to vote for town officials; or
- c) That the persons signing such Petitions do not represent the owners of a majority in assessed value of the property within such territory assessed upon the last preceding town assessment roll; or
- d) That the Petitions do not otherwise specifically comply in form or content with the provisions of General Municipal Law, Article 17 of the State of New York; or
- e) That the proposed annexation is or is not in the overall public interest:
 - 1. Of the territory proposed to be annexed, or
 - 2. Of the local government or governments to which the territory is proposed to be annexed, or
 - 3. Of the remaining area of the local government or governments in which such territory is situated, or
 - 4. Of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district situated wholly or partly in the territory proposed to be annexed.

Objections, based upon subparagraphs (a), (b), (c) or (d) above must, in addition to oral testimony thereon, be in writing.

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.

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The Supervisor declared the Resolution unanimously carried and duly adopted.

West Drive Annexation - Public Hearing Scheduled

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

(RESOLUTION NO. 421 OF 2003)

WHEREAS, the Town Board of the Town of New Hartford and the Village Board of the Village of New York Mills have received Petitions pursuant to General Municipal Law, Article 17, for the annexation of the following described territory situate in the Town to the Village:

A triangular shaped area along a portion of **West Drive** entirely surrounded by territory already within the Village of New York Mills as shown on “Exhibit 1” attached hereto.

NOW, THEREFORE, BE IT RESOLVED that on the 17th day of **December, 2003** at **6:00 P.M.** in the afternoon of that day, a joint hearing upon such Petitions will be held by the Town Board of the Town of New Hartford and the Village Board of the Village of New York Mills at the Village of New York Mills Offices, One Maple Street, New York Mills, New York 13417; and be it

FURTHER RESOLVED that the members of the aforesaid Boards will meet and hear any objections which may be presented against such Petitions for annexation including, but not limited to, any of the following grounds:

- a) That a person signing the Petition is not qualified therefore; or
- b) That the persons signing such Petitions do not constitute 20% of the persons residing within such territory qualified to vote for town officials; or
- c) That the persons signing such Petitions do not represent the owners of a majority in assessed value of the property within such territory assessed upon the last preceding town assessment roll; or
- d) That the Petitions do not otherwise specifically comply in form or content with the provisions of General Municipal Law, Article 17 of the State of New York; or
- e) That the proposed annexation is or is not in the overall public interest:
 1. Of the territory proposed to be annexed, or

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2. Of the local government or governments to which the territory is proposed to be annexed, or
3. Of the remaining area of the local government or governments in which such territory is situated, or
4. Of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district situated wholly or partly in the territory proposed to be annexed.

Objections, based upon subparagraphs (a), (b), (c) or (d) above must, in addition to oral testimony thereon, be in writing.

The Resolution was subject to a vote 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.

Clinton Street Annexation - Public Hearing Scheduled

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

(RESOLUTION NO. 422 OF 2003)

WHEREAS, the Town Board of the Town of New Hartford and the Village Board of the Village of New York Mills have received Petitions pursuant to General Municipal Law, Article 17, for the annexation of the following described territory situate in the Town to the Village:

An irregularly shaped area along a portion of **Clinton Street** bounded on the north and west by the Judd Road arterial and Commercial Drive as shown on "Exhibit 1" attached hereto.

NOW, THEREFORE, BE IT RESOLVED that on the 17th day of **December, 2003** at **6:00 P.M.** in the afternoon of that day, a joint hearing upon such Petitions will be held by the Town Board of the Town of New Hartford and the Village Board of the Village of

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New York Mills at the Village of New York Mills Offices, One Maple Street, New York Mills, New York 13417; and be it

FURTHER RESOLVED that the members of the aforesaid Boards will meet and hear any objections which may be presented against such Petitions for annexation including, but not limited to, any of the following grounds:

- a) That a person signing the Petition is not qualified therefore; or
- b) That the persons signing such Petitions do not constitute 20% of the persons residing within such territory qualified to vote for town officials; or
- c) That the persons signing such Petitions do not represent the owners of a majority in assessed value of the property within such territory assessed upon the last preceding town assessment roll; or
- d) That the Petitions do not otherwise specifically comply in form or content with the provisions of General Municipal Law, Article 17 of the State of New York; or
- e) That the proposed annexation is or is not in the overall public interest:
 - 1. Of the territory proposed to be annexed, or
 - 2. Of the local government or governments to which the territory is proposed to be annexed, or
 - 3. Of the remaining area of the local government or governments in which such territory is situated, or
 - 4. Of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district situated wholly or partly in the territory proposed to be annexed.

Objections, based upon subparagraphs (a), (b), (c) or (d) above must, in addition to oral testimony thereon, be in writing.

The Supervisor polled the Board members who voted as follows:

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

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

Thereafter, the Supervisor declared the Resolution unanimously carried and duly adopted.

EXECUTIVE SESSION

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

(RESOLUTION NO. 423 OF 2003)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition, current assessment certioraris (St. Luke's Medical and Shkane) and possible litigation pertaining to zoning.

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 and Town Clerk, were then excused from the meeting at 9:38 P.M. Attorney Rossi and the Highway Superintendent remained.

[NOTE: The Town Supervisor provided the following transcription on Thursday, November 20, 2003.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 424 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

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:58 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 11:00 P.M.

Respectfully Submitted,

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