

**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, MARCH 3, 2004 AT 6:35 P.M.**

The Town Supervisor called the meeting to order at 6:35 P.M. with the following Town Officials and Department Heads being present:

TOWN BOARD MEMBERS: Councilman Donald C. Backman
Councilman John C. Waszkiewicz III
(Arrived at 6:55 PM)
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Police Chief Raymond Philo
Lt. Timothy O'Neill
Town Clerk Gail Wolanin Young, CMC/RMC

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 81 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters leading to the dismissal of a particular employee.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. The Town Clerk was excused from the meeting at 6:36 PM and the Police Chief and Lt. O'Neill remained for the Executive Session.

[NOTE: Councilman Waszkiewicz joined the Executive Session at 6:55 P.M.]

END OF EXECUTIVE SESSION

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

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(RESOLUTION NO. 82 OF 2004)

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 7:04 P.M.

REGULAR SESSION RECONVENED

The regular portion of the Town Board meeting reconvened at 7:10 P.M. with the Town Supervisor leading those in attendance in the Pledge of Allegiance to the American Flag. The following Town Officials were present during the course of the meeting:

OTHER TOWN OFFICIALS PRESENT:

Assessor Paul E. Smith
Deputy Highway Superintendent Anthony DeCuffa
Deputy Town Clerk II Nancy E. Kneller
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
(Arrived at 8:17 P.M.)

IN MEMORIAM – SAMUEL J. MARCHIO

The Highway Superintendent requested a moment of silence for Town Planning Board member Samuel J. Marchio, who passed away unexpectedly on March 1, 2004.

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

(RESOLUTION NO. 83 OF 2004)

WHEREAS, Samuel J. Marchio has served with great dedication as a Member of the Town Planning Board since June 15, 1989, including his position of Vice Chairman; and

WHEREAS, Samuel J. Marchio unexpectedly passed away at his residence on Monday, March 1, 2004;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby order that the American Flags be lowered to half-mast on all Town-owned buildings through Friday, March 5, 2004 in honor of Mr. Marchio.

The Town Board members then voted upon roll call:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

MINUTES

February 4, 2004 Town Board minutes

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

(RESOLUTION NO. 84 OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Regular Town Board meeting held **February 4, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

January 21, 2004 Town Board minutes

Action was deferred until the next March 2004 Town Board meeting.

REPORTS OF TOWN OFFICIALS

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HIGHWAY SUPERINTENDENT:

Personnel – Retirement of Gary Locke

Upon recommendation of the Highway Superintendent who had discussed the matter with Personnel Assistant Aiello, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 85 OF 2004)

WHEREAS, Gary Locke has retired as a Heavy Equipment Operator in the Highway Department, his last day of work having been February 27, 2004;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby acknowledge Mr. Locke's retirement from Town employment effective February 28, 2004.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted

Training School – Oneida County Association of Towns

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

(RESOLUTION NO. 86 OF 2004)

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 any interested Town Department Head and/or Town Board member to attend the quarterly dinner-business meeting of the Oneida County Association of Towns on March 16, 2004 at Hart's Hill Inn, Whitesboro, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call 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.

Training School

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

(RESOLUTION NO. 87 OF 2004)

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 Deputy Highway Superintendent Anthony DeCuffa to attend the Cornell Local Roads Program sponsored by Cornell University on April 1, 2004 in Chemung County and on April 27, 2004 in Oswego County, 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.

Drainage – Anna property, Marley Place

Stormwater criterion has been reviewed as it relates to the Anna property; the existing situation – if it continues to drain the way it is – will affect infrastructure. The Highway Superintendent will obtain more information and solicit quotes to make repairs.

Sidewalks – Rehabilitation of Chapman Road

Oneida County has determined "...that pedestrian access as required by the Americans with Disabilities Act and as recommended by the New York State Department of

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Transportation recommendations, must be accommodated by the construction of a sidewalk within the [Chapman Road]". The following Resolution was introduced by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 88 OF 2004)

WHEREAS, the Oneida County Department of Public Works proposes the rehabilitation of Chapman Road, County Route 24, between Oneida Street and Higby Road, in the Town of New Hartford; and

WHEREAS, the County will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of sidewalks pursuant to Section 102, Subdivision 15 of the Highway Law, as shown on the contract plans relating to the project; and

WHEREAS, the County will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the project;

NOW, THEREFORE, BE IT RESOLVED: That, in accordance with Section 102, Subdivision 15 of the Highway Law, the Town of New Hartford approves the construction of such new sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project;

BE IT FURTHER RESOLVED: That the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the Oneida County Department of Public Works.

After some discussion, the Town Board confirmed that the Town of New Hartford will not maintain these sidewalks constructed along the County road; thereafter, 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 Resolution was declared unanimously carried and duly adopted.

ASSESSOR:

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Annual Re-assessment Update

Assessor Smith distributed copies of a letter from the State Office of Real Property Services addressed to Supervisor Humphreys, summarizing all meetings held during the past four (4) months. A lengthy discussion ensued on various aspects of the annual re-assessment program. Maxwell Appraisal Service and the Assessor had suggested a slight variance in the State’s procedure – State comes up with ratio for entire Town; their feeling is the overall number is accurate, the number doesn’t reflect accurately what’s going on in some areas. The State gave the Assessor the “go ahead” for this method (stratification).

The Assessor expects to have letters mailed to all residential property owners by March 19, 2004 relative to the annual re-assessment program; this is the communication that the Town Board decided should be sent out.

TOWN CLERK:

Registrar Training Session

Upon request of Town Clerk-Registrar Gail Wolanin Young, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

(RESOLUTION NO. 89 OF 2004)

WHEREAS, the Madison County Town Clerks Association has requested that Town Clerk-Registrar Gail Wolanin Young conduct a Vital Records training program for their Association members; and

WHEREAS, Town Clerk-Registrar Young had conducted a similar program for the Madison County Registrars about ten years ago;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize Registrar Gail Wolanin Young to conduct a Vital Records training program at the Nelson Town Hall, Madison County, on Tuesday, April 27, 2004, with travel expenses to be borne by the Town of New Hartford.

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.

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The Resolution was declared unanimously carried and duly adopted.

MATTER SUBMITTED BY COUNCILMAN

COUNCILMAN WASZKIEWICZ:

501 C 3/New Hartford Activity Funding Foundation

Nathaniel Richmond reported he had met a couple weeks ago with Director of Senior Services Eileen Spellman and Patrick Tyksinski and that Director Spellman had provided samples of charters adopted by other towns. Mr. Richmond is trying to schedule a meeting of the entire Committee but has been hampered with school vacations and personal issues of some members.

MATTER SUBMITTED BY TOWN SUPERVISOR

Fiscal – Authorization to relocate computer and appurtenances

Upon recommendation of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 90 OF 2004)

WHEREAS, an excessive amount of heat is being generated from computer equipment in the Accounting Office, creating an unhealthy environment for personnel; and

WHEREAS, to resolve this situation, the Town of New Hartford wishes to relocate the existing server equipment from the Accounting Office to a new location in the basement of Butler Memorial Hall; and

WHEREAS, ESI has submitted a written proposal for the relocation of the aforesaid equipment and installation of new lines as more fully described in their proposal;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby accept the proposal of ESI in the total amount of Two Thousand Forty Dollars (\$2,040) for the following work to be performed:

- Move Server Equipment \$ 540.00
 - Install Cat 5 Data Lines (Quantity – 3) \$ 450.00
 - New Switch Equipment (Quantity – 2) \$ 1,050.00
- TOTAL: \$2,040.00.

The Resolution was voted upon by roll call 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.

REPORTS OF TOWN OFFICIALS (CONT'D)

PARKS AND RECREATION DIRECTOR:

Proposed Veterans Memorial Site

The Parks and Recreation Director has met with American Legion representatives about constructing a veterans memorial site upon land recently received from the State Department of Transportation, located across from the Utica National Insurance property.

Recreation Path – Dedication in honor of the late Philip Rayhill (Agenda item of Councilman Waszkiewicz)

Parks and Recreation Director Jeffery reported that a subcommittee has reviewed signage, etc. and the State Department of Transportation (DOT) is looking for wording on a plaque and the type of memorial. After a subcommittee meeting, it was decided to leave the wording of the plaque to the family(ies) and report to the Town Board and State DOT.

Authorization for Competitive Bid – Donovan Park “Splash Pad”

Upon request of the Parks and Recreation Director, Councilman Waszkiewicz presented the following Resolution and moved its adoption, which was seconded by Councilman Butler:

(RESOLUTION NO. 91 OF 2004)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of Splash Pad Equipment for the Donovan Memorial Park, in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Monday, April 5, 2004 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; 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.

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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.

Snowmobile – Registration/Insurance

The Parks and Recreation Director reported that the recently-acquired snowmobile is not required to be registered with the State Department of Motor Vehicles if the equipment doesn't leave Town property; Town Clerk Young confirmed that Bailey, Haskell & LaLonde have added the snowmobile to the Schedule of Equipment under the Town's General Liability policy.

Acquisition of Pick-up Truck

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

(RESOLUTION NO. 92 OF 2004)

WHEREAS, the Parks and Recreation Department has realized savings on the purchase of equipment budgeted for 2004, leaving a sufficient line item balance for the purchase of additional equipment;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the Parks and Recreation Director to purchase one (1) 2004 Ford F-250 XL, three-quarter Ton Pick-up Truck on State Contract Group #40560 for \$16,854 and a mower deck for \$2,250.

Upon roll call, the Town 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.

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MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Personnel – Driver’s License Checks

Currently, the Town performs periodic checks of the driver’s license of Highway Department employees who are operating Town vehicles. Councilman Backman suggested the Town Board consider also running a DMV check to determine if other employees who drive Town vehicles have valid licenses (Engineering, Codes staff, Parks and Recreation employees, etc.). While Councilmen Waszkiewicz and Butler believe this is a good idea, they also believed that the various Union Contracts should be reviewed to ensure there would be no problem and no infringement upon an employee’s privacy. Attorney Rossi will be consulted to determine if this check can be performed in-house.

Committee for Codes Revision (Zoning)

The Committee had reviewed accessory buildings and uses; sample legislation was distributed for the Board’s review. The Supervisor suggested that an instrument survey also be included. A local law would need to be prepared and a Public Hearing scheduled.

Ethics Policy

Councilman Backman recommended the Town Board initiate steps to prohibit elected officials with hiring powers to employ on a full-time basis any immediate family members within their department without permission from Town Board. Councilmen Waszkiewicz and Butler prefer to consult first with Attorney Rossi.

COUNCILMAN WASZKIEWICZ:

Agenda items:

- Administrative office layout analysis – the Police Chief received written quotes from architects who looked at police station; Councilman Waszkiewicz will try to pull everything together for the next Town Board meeting
- Ad Hoc Committee on administrative restructuring of Utica Transit Authority (UTA) meeting – lively discussion today; asked for comparison of three (3) most plausible avenues to pursue
 - Oneida County Legislature to pass resolution on mass transit
 - Our existing UTA to analyze what an adjustment in their authority in the transportation law would enable them to do
 - Create a new state authorized and what that would enable the County to do County-wide
- Sewer Extension coinciding with Water system expansion formula and financing – The Highway Superintendent gave an update and is meeting with Burley-Guminiak – have an answer hopefully by the next Town Board meeting

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- New York Mills Annexation proceedings – Attorney Rossi is contemplating whether an election is needed at all
- Subdivision regulations – letter from Vince – Councilman Waszkiewicz believes should be adopted
- Oneida-Herkimer Counties Empire Zone Board review – meeting this week – rules on zone boundaries are in flux – Governor/NY Assembly has proposal and neither adopted. Councilman Waszkiewicz gave the Town Clerk a copy of the Memo dated February 19, 2004 from Shawna M. Papale, Zone Coordinator, outlining the proposal to modify the Empire Zone Program.

COUNCILMAN WOODLAND:

Vehicle & Traffic – “School Bus Stop Ahead” Sign/Route 12B

The Town Clerk will follow-up with the State Department of Transportation relative to the Town’s request for a sign on Route 12B (aka Clinton Road); refer to minutes of February 25, 2004.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL AND OTHER ROUTINE REPORTS:

Audit of Vouchers

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

(RESOLUTION NO. 93 OF 2004)

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 had been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 12	\$ 1,984.60
General Fund Whole-Town Abstract No. 13	\$ 76,069.45
General Fund Part-Town Abstract No. 8	\$ 2,908.74
Highway Fund Part-Town Abstract No. 5	\$ 26,079.19
Water Fund Abstract No. 2	\$ 80.00
Sewer Fund Abstract No. 5	\$ 1,668.00
Voucher of Gustave DeTraglia, Jr., to be placed on an Abstract at the end of March 2004	\$ <u>1,062.50</u>
TOTAL:	\$109,852.48

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Amend Rules of Procedure – Reschedule Town Board meeting

Whereas the Town Supervisor will be out of State and unable to attend the March 17, 2004 Town Board meeting, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 94 OF 2004)

RESOLVED that the New Hartford Town Board does hereby amend the Rules of Procedure for 2004, adopted December 31, 2003, and specifically as it relates to the second Town Board meeting of March 2004 which is hereby rescheduled from Wednesday, March 17, 2004 to Wednesday, March 24, 2004 at 7:00 P.M. in Butler Memorial Hall.

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.

Agreement – Preswick Glen Project (Presbyterian Home)

Discussion ensued with no action being taken.

EXECUTIVE SESSION

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

(RESOLUTION NO. 95 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition and PBA Union contract negotiations.

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A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media, Town Clerk and Deputy Clerk, were then excused from the meeting at 9:34 PM

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 96 OF 2004)

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:10 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 of Councilman Waszkiewicz, seconded by Councilman Butler, the meeting adjourned at 10:11 P.M.

Respectfully submitted,

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