

**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 24, 2004 AT 7:08 P.M.**

The Town Supervisor called the meeting to order at 7:08 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: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Parks and Recreation Director Michael W. Jeffery
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk II Nancy E. Kneller

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:07 P.M.)

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

MINUTES

January 21, 2004 Regular Town Board meeting

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

(RESOLUTION NO. 97 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 *January 21, 2004* relating to the annexation of parcels on Clinton Street, West Drive and New Hartford Street, 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

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 2

Councilman Woodland - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

February 25, 2004 Special Town Board meeting

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

(RESOLUTION NO. 98 OF 2004)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the Special Town Board meeting held **February 25, 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.

March 3, 2004 Regular Town Board meeting

Action was deferred on these minutes.

PRESENTATIONS

Constituent Concerns:

Shirley Riggles inquired about the status of the Seneca Turnpike real property auction *[being handled by Town Attorney, await his report]*, whether there was another parking ticket paid by the Town in February 2004 for another department head *[none – may be confusing the Supervisor’s question of why the Town was paying for Village parking ticket forms]*, and what the \$400,000 included for the Higby Road water tank *[did include land]*.

Commercial Drive land-locked parcels

Real Estate broker Carol Scampone, accompanied by clients Claudia and William Hulser and Cindy and Douglas Boehlert, stated that several parcels along Commercial Drive have become “landlocked” due to the widening of that road (aka NYS Route 5A) by the

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 3

State Department of Transportation. She is of the belief that the State will not address this further, having already compensated the affected property owners for taking their road frontage and therefore, inquired whether the Town would be willing to construct some type of access to the rear of these parcels so that businesses may operate. Attempts to gain access through the Parisi property, the sole parcel with Commercial Drive access at this location, have been in vain and Mr. Parisi has allegedly installed a fence upon the Hulser property. Directing his comments to Mrs. Hulser, Councilman Backman reiterated what he had advised her in a recent phone conversation – to review her deed and consult her attorney to determine what rights she has and whether Mr. Parisi has violated any of them. Councilman Backman further explained how the Town obtains roads – that they’re built according to specifications by developers who then deed the roads to the Town; the Town isn’t in the business of building roads and using taxpayers money to build for the benefit of a certain few. Ms. Scampone asked “...what if someone was willing to build the road?” It was suggested she consult with the Highway Superintendent for specifications, the required width, etc. She clarified that this would be only a service road to gain access and have parking there. Supervisor Humphreys suggested that a gravel road could be built and maintained by the property owner(s). Councilman Waszkiewicz believed the proposed Judd Road off-ramp would end up along side these properties and therefore, no access would be possible; he will research this with the State Department of Transportation to determine if there is any access and will report to the Town Board.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Appointment – Food Service Helper, Part-time Substitute

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

(RESOLUTION NO. 99 OF 2004)

RESOLVED that the New Hartford Town Board does hereby appoint Margaret Brady as a Food Service Helper, Part-time Substitute at the New Hartford Adult Dining & Activity Center, effective March 25, 2004, at an hourly rate of Seven Dollars and Ninety-six Cents (\$7.96), payable bi-weekly; Ms. Brady replaces Annette Dempsey who has left the Town’s employment.

The Director of Senior Services has discussed the proposed appointment with the Town Personnel Assistant. Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz - Aye
Councilman Butler - Aye

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 4

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

The Resolution was then declared unanimously carried and duly adopted.

HIGHWAY SUPERINTENDENT:

Motor Vehicle Accident

Addressing the Willowvale Fire Company members who were present, the Highway Superintendent expressed his gratitude to the Fire Company for their assistance several weeks ago when a Town snowplow/sander was involved in an accident.

Real Property Auction – Seneca Turnpike parcel

The Highway Superintendent stated that Attorney Rossi, who was handling the matter, would provide a report later during the meeting.

Competitive Bid (Backhoe) – Refund of Security Deposit

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

(RESOLUTION NO. 100 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release the Bid Security Deposit from the Trust and Agency Account to Clinton Tractor and Implement Co., an unsuccessful bidder on the December 2003 Backhoe/Loader bid opening and does further authorize and direct the Town Clerk to release the Bid Bond submitted as Bid Security Deposit to Tracey Road Equipment, an unsuccessful bidder for the same project.

The foregoing Resolution was voted upon by roll call 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.

Purchase of Equipment – State Certified DMV Inspection Station

As a result of the federal Clean Air Act, the State Department of Motor Vehicles recently

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 5

notified the Highway Superintendent that the Town must purchase a piece of equipment to test emissions of Town vehicles since the Highway Department is a New York State Inspection Facility; the cost of this equipment is Sixteen Hundred Sixty-two Dollars and Four Cents (\$1662.04) and was not budgeted because the information was not available in the Fall of 2003. The Highway Superintendent wrote to the State Legislature in Albany, asking if the cost could be deferred until 2005 because it is a non-budgeted item; as a result, he was informed that this Federal law has an implemented target date of June 2004. Upon request of the Town Board, the Highway Superintendent will contact other municipalities to determine whether the Town might inspect their vehicles as a shared-service type of arrangement.

Personnel – Highway Employee Promotions

Having discussed employee promotions with the Public Works Committee, the Highway Superintendent presented the following Resolution, which was introduced for adoption by Councilman Butler and seconded by Councilman Backman:

(RESOLUTION NO. 101 OF 2004)

WHEREAS, Francis Kelly and Gary Locke have retired from employment with the Town of New Hartford Highway Department, leaving vacancies in the position of Heavy Equipment Operator (HEO); and

WHEREAS, the Highway Superintendent has recommended that Robert Dziejdzic and Kevin Martin, respectively, be promoted to fill the two (2) vacant Heavy Equipment Operator positions;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve the promotion of Robert Dziejdzic and Kevin Martin to Heavy Equipment Operators in the Highway Department retroactive to March 21, 2004, contingent upon Civil Service approval; their hourly wage is their existing salary plus an adjustment as provided in the Union Contract.

A roll call vote was duly held and 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.

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 6

Agreement – Roadside Mowing

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

(RESOLUTION NO. 102 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute the ***ROADSIDE MOWING AGREEMENT*** between the Town and the County of Oneida wherein the Town agrees to mow town and county roads within the Town of New Hartford and the County agrees to furnish the mower that is to be attached to a town tractor and operated by a town employee, and as more fully defined in said ***AGREEMENT***.

Discussion followed with the question of who maintains the mower; the Highway Superintendent stated that the Town does. The Supervisor requested a vote upon roll call that resulted 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.

Signs – New Hartford Marching Band

Councilman Butler thanked the Highway Superintendent for the signs that had been finished, recognizing the recent achievements of the New Hartford Marching Band.

Compliment – Highway Employee

Councilman Butler read a letter from Norma Mahoney, complimenting Deputy Highway Superintendent Anthony DeCuffa for his prompt and courteous response to a potential drainage problem on her property.

Sewer Extension coinciding with Water System expansion formula & funding (Agenda item – Councilman Waszkiewicz)

The Highway Superintendent is sending maps and plans to Burley-Guminiak Associates to obtain quotes and/or determine if any grant monies are available.

PARKS AND RECREATION DIRECTOR:

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 7

Appointments – Part-time, Seasonal Employees

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

(RESOLUTION NO. 103 OF 2004)

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 Department, for the time periods specified; all wages to be paid bi-weekly:

April 18 – September 11, 2004

NAME	POSITION	RATE OF PAY
Michael Harrigan	Park Laborer II	\$7.67/hour
Adam Griffin	Park Laborer II	\$7.67/hour
Michael Steele	Park Laborer II	\$7.67/hour
Steven Harmon	Park Laborer I	\$7.16/hour
Jeffrey Abounader	Park Laborer I	\$7.16/hour
Michael DePhillips	Park Laborer I	\$7.16/hour
Dustin Benton	Park Laborer I	\$7.16/hour

April 5 – October 29, 2004

NAME	POSITION	RATE OF PAY
Edward Bowes	Part-time Laborer (Green Thumb)	\$7.98/hour
Robert Thornton	Part-time Laborer (Green Thumb)	\$7.98/hour.

Whereupon, the Town Board 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.

Special Event – Kids Health & Safety Day

The Parks and Recreation Director reported that arrangements have been made at the Recreation Center for June 12, 2004 where the St. Elizabeth Medical Center will sponsor a community service program (bicycle rodeo) from 9 A.M. to 11 A.M. The Town Clerk has received the Medical Center’s Certificate of Insurance.

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 8

Letter of resignation - Assistant Voting Machine Custodian

Due to a back injury, Brian Jenny has resigned from his position as Assistant Voting Machine Custodian. The Personnel Assistant will post the vacancy in-house.

TOWN CLERK:

Re-appointment – Planning Board Member

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

(RESOLUTION NO. 104 OF 2004)

WHEREAS, Gerald Green had been notified of his January 2004 appointment to the Planning Board and his obligation to be administered an Oath of Office; and

WHEREAS, the thirty (30) day timeframe from receipt of notification of appointment had elapsed without Mr. Green being administered the required Oath, thereby creating a vacancy in that position;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby re-appoint Gerald Green as a Member of the Town Planning Board retroactive to January 1, 2004 and for a seven-year term ending December 31, 2010.

The Town Board members then voted upon roll call 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.

Town Board Minutes – New Hartford Public Library

The Town Clerk announced that all but one (1) Department Head has agreed to discontinue receiving a “hard” copy of approved Town Board minutes, opting instead to review minutes on the Town’s Web Site. During the Spring of 2001, the Town Board had adopted a Resolution directing the Town Clerk to forward a copy of all approved Town Board minutes to the New Hartford Public Library and the Town Clerk inquired whether this practice should continue when any citizen could access the minutes via the Internet. Councilman Waszkiewicz will consult with the Librarian to determine how often the “hard” copy of Town Board minutes is accessed.

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 9

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Item

- Status 501 C 3 for New Hartford Activity Funding Foundation - Nathaniel Richmond had met with seven (7) of nine (9) Committee members, discussing some ideas and reaching two (2) conclusions:
 - Publish an article in the Pennysaver, the Town Crier and Observer Dispatch soliciting additional members for the proposed foundation's Board of Directors, open to Town residents and/or persons employed in the Town
 - Fees are associated with forms/documents to be filed with the federal and state government; would the Town provide One Thousand Dollars (\$1,000) in "seed" money to cover these initial expenses.

This matter will be placed on the Agenda for the April 7, 2004 Town Board meeting, at which time Attorney Rossi will be consulted as to appropriateness of providing "seed" money inasmuch as the proposed foundation should be an arms-length from the Town. The Committee will meet again on May 3, 2004.

COUNCILMAN BACKMAN:

TEFRA Hearing/Additional Funding – Willowvale Fire Co., Inc.

Councilman Backman recalled that in April 2003 the Town Board conducted a TEFRA hearing for One Million Dollars (\$1,000,000) for construction of a new firehouse by the Willowvale Fire Co., Inc. Since that time, additional expenses have been identified:

- more site work required than anticipated, for drainage purposes
- steel and lumber going to IRAQ and driving prices up
- gasoline price increases.

Fire Company President Gary Edwards apprised the Board that in the Spring of 2003, they had pared down their original estimate of \$1.3 million for the firehouse, reducing the number of bays from six (6) to five (5), making changes in the heating system, eliminating some doors and changing the types of doors in certain areas, changing the type of flooring in some areas, and reducing the size of some rooms, etc. Since the TEFRA Hearing, the sewers and drains, the water and hydrant have been installed on the property. Murphy Excavating has given a Two Hundred Seventy Thousand Dollar (\$270,000) quote for additional site work, and to blacktop a driveway into the property.

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 10

The Fire Company requested that the Town conduct another TEFRA Hearing for an additional Five Hundred Thousand Dollars (\$500,000). In order to obtain the State's grant money of One Hundred Thousand Dollars (\$100,000) for this project, the Fire Company must provide documentation that they have expended One Hundred Thousand Dollars (\$100,000) in site work.

[**NOTE:** Attorney Rossi joined the meeting at 8:07 PM]

Discussion ensued, with President Edwards stating the Fire Company definitely plans to sell their two (2) buildings, one (1) on Chapman Road, Washington Mills and the other on Oneida Street, Chadwicks. It is expected that the new firehouse will be completed in October or November 2004. Further discussion ensued among the Town Board, Attorney Rossi, and Robert Ranger (Financial Consultant for the Fire Company). Town Clerk Gail Wolanin Young confirmed that the earliest a Hearing could be held, considering the publication requirements and timeframe, would be April 21, 2004; she will contact Bond Counsel who will prepare the necessary documents. Thereafter, it was the consensus of the Town Board to proceed with another TEFRA Hearing, conditioned on the sale of both properties, the proceeds of which must be applied to the cost of the firehouse in order to keep the tax rate at an affordable amount for the District residents.

Councilman Backman thanked the Willowvale Fire Company and all its volunteers for providing such fine service to the Town and the District residents, at a reasonable cost. President Edwards expressed the Fire Company's gratitude to the Town Board and Town Clerk for their cooperation and support.

Appointment - Planning Board (Vacancy)

Councilman Backman announced that Hans Arnold had applied to fill the unexpired term of the late Samuel Marchio, Planning Board member; Mr. Arnold does not want a salary associated with this position if he is appointed. Thereafter, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 105 OF 2004)

WHEREAS, a vacancy exists on the Town Planning Board as a result of the death of Samuel J. Marchio; and

WHEREAS, Hans G. Arnold, who has applied to fill this vacancy, has an immeasurable amount of planning experience, having served as a County Planner and as a past Member and Chairman of the Town Planning Board;

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 11

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Hans G. Arnold as a Member of the Town Planning Board to fill the unexpired term of office of Samuel J. Marchio, commencing March 25, 2004 and ending December 31, 2009; the Town Board honors Mr. Arnold's request that he not be paid for his service on the Town Planning Board.

The foregoing Resolution was voted upon by roll call:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

COUNCILMAN WASZKIEWICZ (CONT'D):

Agenda items:

- **Monitor ADELPHIA contract** - discussion on the revenue and contract breakdown accompanied with ADELPHIA's franchise fee check to the Town but who verifies figures; Councilman Waszkiewicz was of the understanding that ADELPHIA was required to furnish the Town with an audited financial statement or a financial statement that the Town would have audited. Mention was made that the Town Bookkeeper might review the figures.
- **New York Mills Annexation** – Attorney Rossi, Town Clerk Young and Councilman Waszkiewicz met and it appears no special election is needed for the annexation of the New Hartford Street and West Drive parcels into the Village of New York Mills; however, it is questionable about the Clinton Street parcels. The Town Planner will be requested to chart the properties and specifically, the location of the residences on each parcel since it must be determined if there are any eligible voters in the Town portion of the parcels.
- **Administrative office layout analysis** – Councilman Waszkiewicz talked to Clark Patterson and two (2) other vendors who submitted quotes – someone needs to make decision on who will make layout and design – a subcommittee? Councilman Backman noted that offices in the Sanger Public Works Garage already received new workstations within the past couple years. As far as Councilman Backman knew, Arlott representative James D'Onofrio had reviewed areas, measured and ordered furniture but couldn't say whether any specific office guidelines were used.
- **Recreation path dedication in honor of Philip Rayhill** - the Parks Advisory Committee is waiting for a response from the Rayhill family.

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 12

- Subdivision regulations/recreation area green space – Attorney Rossi reported that the Supreme Court recently ruled it is legal for any Planning Board to require a developer to provide green space in a development or pay money for the Town to provide the space. Board consensus was to pass this information to the Town Planning Board for their recommendation.
- Resolution requiring site plan submission, including first floor elevations, etc. – Will be reviewed by Attorney Rossi, a Planning Board member and Councilman Waszkiewicz; Committee to review a number of proposed changes, including accessory buildings.
- Metro/Regionalized Government – Councilman Waszkiewicz initiated discussion on this topic and his objective to develop a road map that would help the Town and our region to move forward. Councilman Backman acknowledged that the Town already provides excellent services for the cost and combines with other municipalities for services. Discussion included creating a punch list and identifying cost savings for each item on the punch list, similar to the Rochester Institute of Government that had performed a study in the Buffalo area. Questions were raised as to the number of municipalities expected to join in this effort, what the Town would benefit and with whom are we getting it. The Town currently engages in cost-savings with the Village/Town court – staff, supplies, etc., the Police and Highway Department have numerous inter-municipal agreements and the Senior Center also is involved with other agencies.

The following Resolution was introduced by Councilman Waszkiewicz and seconded by Councilman Butler:

(RESOLUTION NO. 106 OF 2004)

WHEREAS, Councilman Waszkiewicz had proposed the idea of developing a road map with other area municipalities “... to improve the coordination, reliability and delivery of services, to continue to increase efficiencies and minimize costs while maintaining the identity and character of each participating municipality”; and

WHEREAS, the New Hartford Town Board authorized Councilman Waszkiewicz to contact other area municipalities to determine their level of interest and commitment to such a project; and

WHEREAS, discussion involved the type of institution that would perform the review of services offered and recommendations for future consolidation and/or shared services will be identified before any monies were to be expended;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby agree to contribute up to One Thousand Dollars (\$1,000) to this

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 13

effort at such time as the appropriate institution is identified and conditioned that this money will not be expended without the commitment of other area municipalities.

Upon roll call, the Town 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.

COUNCILMAN BUTLER:

501 C 3 – New Hartford Activity Funding Foundation (Cont'd from Page 9)

To Councilman Butler’s inquiry as to the appropriateness of the Town providing “seed” money to the foundation, Attorney Rossi responded he would try to have an answer for the April 7, 2004 Town Board meeting – he noted that the whole idea behind the foundation is that the Town would not be administering it.

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 Backman:

(RESOLUTION NO. 107 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. 16	\$ 28,414.42
General Fund Whole-Town Abstract No. 17	\$ 5,931.44
General Fund Part-Town Abstract No. 9	\$ 16.00
General Fund Part-Town Abstract No. 10	\$ 1,699.54
Highway Fund Part-Town Abstract No. 6	\$ 7,370.45
Highway Fund Part-Town Abstract No. 7	\$ 43,389.11
Drainage Abstract No. 3	\$ 2,500.00
Fire District Abstract No. 1	\$130,000.00

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 14

Fire District Abstract No. 2	\$483,152.00
Street Light Fund Abstract No. 4	\$ 7,323.60
Sewer Fund Abstract No. 6	\$ 527.92
Sewer Fund Abstract No. 7	\$ 13,413.28
Water Fund Abstract No. 2	\$ 3,229.59
TOTAL:	\$726,967.35

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.

Amendment to Municipal Services Agreement – Preswick Glen

Upon approval of Attorney Rossi, Councilman Woodland introduced the following Resolution for adoption and Councilman Waszkiewicz seconded same:

(RESOLUTION NO. 108 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute ***Amendment No. 1 to Municipal Services Agreement*** between the Town of New Hartford, the Assessor for the Town, the Presbyterian Home for Central New York, Inc. and Preswick Glen, Inc. wherein the following changes will be made to the original contract dated September 5, 2001:

- Change the name Presbyterian Home for Central New York, Inc. to Presbyterian Homes Foundation
- Eliminate the phrase "... that they do not intend to charge an admission fee...".

The Supervisor polled the Board members who voted as follows:

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

REGULAR TOWN BOARD MEETING
March 24, 2004
Page 15

This Resolution was declared unanimously carried and duly adopted.

Option Agreement – Hale property/Water tank

Attorney Rossi had reviewed the Option Agreement between the Town of New Hartford and Phillip Hale for the purchase of land for a water tank, after which Supervisor Humphreys executed same. Supervisor Humphreys asked the Town Clerk to prepare a Purchase Order for One Thousand Dollars (\$1,000), the price of the Option.

Agreement – Runaway and Homeless Youth

The Mohawk Valley Community Action Agency had submitted the 2004 Agreement, wherein the Town contracts for their services for Twenty-five Hundred Dollars (\$2500). Discussion ensued with no action being taken.

27 Pay Periods (2004) – Lag Payroll/Method of Calculation

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

(RESOLUTION NO. 109 OF 2004)

WHEREAS, upon recommendation of the Town Supervisor, on January 7, 2004 the New Hartford Town Board adopted Resolution No. 11 defining the method of calculating wages for “salaried” employees; and

WHEREAS, based upon the terms and conditions set forth in the Police Benevolent and Dispatchers Union Contracts, respectively, this method of calculation was in conflict with the Union Contracts;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 11, adopted January 7, 2004 so that the wages for “salaried” Police Officers and “salaried” Dispatchers and Police Clerical employees shall be calculated as follows:

- Time will be computed on an hourly basis. The number of days worked have been calculated to equal 260 days. The following is the breakdown for both seven (7) and eight (8) hour days based on this calculation.
 - 8 hrs x 260 days = 2,080 divided into annual salary = hourly rate
 - 7 hrs x 260 days = 1,820 divided into annual salary = hourly rate.

REGULAR TOWN BOARD MEETING

March 24, 2004

Page 16

This amendment shall be retroactive to the first payroll paid in 2004 for time worked in calendar fee 2004.

The Resolution was voted upon by roll call resulting as follows:

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.

EXECUTIVE SESSION

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

(RESOLUTION NO. 110 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 and the Massoud certiorari proceeding vs the Town of New Hartford.

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 10:38 P.M. The Police Chief and Attorney Rossi remained for the Executive Session

[NOTE: The following transcript was provided by the Town Supervisor on March 25, 2004.]

END OF EXECUTIVE SESSION

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

REGULAR TOWN BOARD MEETING
March 24, 2004
Page 17

(RESOLUTION NO. 111 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 11:17 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 Butler, seconded by Councilman Waszkiewicz, the meeting adjourned at 11:18 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk