

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD
ON WEDNESDAY, APRIL 7, 2004 AT 7:03 P.M.**

The Town Supervisor called the meeting to order at 7:03 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

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

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Telecommunicator Supervisor Jeffrey Madden
(Arrived at 8:11 P.M.)
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk II Nancy E. Kneller

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:14 P.M.)

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

MINUTES

March 3, 2004 Regular Town Board meeting

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

(RESOLUTION NO. 112 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 *March 3, 2004* and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

| | | |
|------------------------|---|-----|
| Councilman Waszkiewicz | - | Aye |
| Councilman Butler | - | Aye |
| Councilman Backman | - | Aye |

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Councilman Woodland - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

March 24, 2004 Regular Town Board meeting

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

(RESOLUTION NO. 113 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 **March 24, 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.

PRESENTATIONS

JUDD ROAD CONNECTOR PROJECT:

Ronald Rinaldo and Dominick Izzo of Lancaster Development and Fred Kittleman of the New York State Department of Transportation (DOT) were present relative to “night-time” construction on the Judd Road project. Mr. Rinaldo apprised the Board of plans to officially close the Clinton Street intersection at Commercial Drive the week of May 3, 2004 with announcements to be made in the newspaper on this **permanent** closure. Once the road closure work is complete, crews will begin transporting earth across Commercial Drive at night starting around May 10, 2004, for approximately five (5) weeks, localized in that Commercial Drive-Clinton Street area (former Risley Springs). Night hours are tentatively 7:00 P. M. to 7:00 A.M., Mondays through Fridays, and were chosen because Lancaster Development and the NYS DOT believed it was safer and better because of the high volume of traffic during the day. Discussion ensued with Councilman Waszkiewicz and Lancaster Development differing on whether the road construction plans called for night construction. Councilman Waszkiewicz requested that DOT’s legal department and Attorney Rossi discuss the matter prior to any night construction commencing and asked Lancaster Development to submit their request for night time construction in writing,

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with supportive documentation of why it is needed. Mr. Rinaldo will also contact Highway Superintendent Cleveland regarding stormwater drainage; Councilman Waszkiewicz will check with the area residents to determine if they're being impacted by stormwater drainage as a result of the road construction.

FAWNCREST BOULEVARD ROAD DEDICATION:

Brian Saville stated that the Town should be receiving all requisite documents for road dedication that will then allow the issuance of building permits on Fawncrest Boulevard.

UTICA TRANSIT AUTHORITY – VACANCY FOR TOWN REPRESENTATIVE:

Nicholas Laino, 9 Oakwood Drive, New Hartford sought consideration of the Town Board in appointing him to fill the recently-vacated Town seat on the Utica Transit Authority; he is available during the day for Authority meetings and would submit quarterly reports to the Town Board. Supervisor Humphreys distributed copies of Mr. Laino's resume for the Councilmen's review. No action was taken as other individuals may also be interested in the vacant position.

REPORTS OF TOWN OFFICIALS

ASSESSOR:

Re-valuation Program

The informational letter on the Town's re-assessment program was mailed to property owners on Friday, April 2, 2004 and the Assessor's Office has received some inquiries. The letter explained that the hamlet of Chadwicks and southern rural portion of the Town would be reappraised from "scratch".

Maxwell Appraisal Service and the Assessor had talked with the State Office of Real Property Services – the traditional informal hearings won't be pertinent for "trended" areas – advise a preliminary plan to run sales sheet of comparable neighborhoods by sales.

DIRECTOR OF SENIOR SERVICES:

Spanish Lottery – "Scam"

Director of Senior Services Eileen Spellman informed the Board that senior citizens are being solicited from a Spanish lottery – a scam – that they have won money and are being asked for their social security numbers. Locally, one woman received correspondence directed to her husband, who has been dead for twenty-one (21) years. Director Spellman received notice from the State Attorney General's Office in November 2003 that senior citizens were being targeted through the mail. The Director will take steps to educate the public on this issue.

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SPECIAL COMMITTEE

501 3 C – New Hartford Activity Funding Foundation:

Nathaniel Richmond distributed an article to be published in the local newspapers soliciting volunteers to sit on the Foundation board and seeking the Town Board’s comments or questions. To the Town Board’s prior question of whether it can provide “seed” money to the Foundation– Mr. Richmond said “yes”, and “...even on an on-going basis” through a contract for services with the Foundation.

REPORTS OF TOWN OFFICIALS (CONT’D)

HIGHWAY SUPERINTENDENT:

FEMA Reimbursement – Winter Storms

Highway Superintendent Cleveland announced it appears the Town is eligible for over Sixty-six Thousand Dollars (\$66,000) in FEMA reimbursement for the January 2004 snowstorms.

Teamsters Union Contract – Highway Department employees

Upon presentation of the Town Supervisor, the following Resolution was offered for adoption by Councilman Butler and duly seconded by Councilman Backman:

(RESOLUTION NO. 114)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor and Councilmen to enter into and to execute the Teamsters Union Contract for the Highway Department employees for the period October 1, 2002 through December 31, 2005.

A roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

Stormwater Drainage Matters – Genesee Street and Marley Place

The Highway Superintendent reported that the Oneida County Soil and Water Conservation agency had performed on-site inspections and will submit a written report on both locations.

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Appointments – Part-time, Seasonal Highway employees

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

(RESOLUTION NO. 115 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 Highway Department, commencing April 12, 2004 and ending September 3, 2004; all wages to be paid bi-weekly:

| NAME | POSITION | RATE OF PAY |
|-----------------|----------------------------|--------------------|
| Shawn Eddy | Part-time Seasonal Laborer | \$8.00/hour |
| Robert Thornton | Part-time Seasonal Laborer | \$8.00/hour |
| Jesse Conhaim | Part-time Seasonal Laborer | \$8.00/hour |
| Bryon Rich | Part-time Seasonal Laborer | \$8.00/hour |
| Michael Shaw | Part-time Seasonal Laborer | \$8.00/hour |
| Jazmond Davies | Part-time Seasonal Laborer | \$8.00/hour |
| Evan Rossi | Part-time Seasonal Laborer | \$8.00/hour |
| Allison Back | Student Worker | \$8.00/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 Resolution was then declared unanimously carried and duly adopted.

Training School

The Highway Superintendent submitted the Town Planner's request to attend a conference. Thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 116 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;

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Town Planner Kurt Schwenzfeier to attend a national planning conference from April 23 through April 27, 2004 in Washington, D.C., with expenses to be borne by said Town as budgeted; the Town Planner will be paying part of the cost at his own expense.

The 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.

Pre-Development Agreement & Memorandum of Understanding – (Price Chopper)

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

(RESOLUTION NO. 117 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement and Memorandum of Understanding between the Town of New Hartford and The Golub Corporation (Price Chopper Operating Co., Inc.), 501 Duanesburg Road, Schenectady, New York 12306, wherein said Golub Corporation would contribute, as per the conditions of said Pre-Development Agreement, no fees as same relates to the construction of a 17,000+ square foot building addition to the former P & C Grocery Store [Tax Map Parcel No. 328.008-1-20], for the Price Chopper renovation on approximately 21.5+ acres located on Commercial Drive (NYS Route 5A) directly across from Sangertown Square Mall, being within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area.

The foregoing Resolution was duly put to a vote upon roll call:

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

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Whereupon, the Resolution was declared unanimously carried and duly adopted.

Fiscal – 2004 Budget Transfer

Upon request of Highway Superintendent/Engineering Roger Cleveland, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Backman:

(RESOLUTION NO. 118 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to transfer within the 2004 Annual Budget the sum of Nine Hundred Dollars (\$900.00) from the General Fund Whole-Town Engineering Account No. A1440.4 (Contractual) to the General Fund Whole-Town Engineering Account No. A1440.2 (Equipment) for the following purchases:

- Portable radio
- Computer printer to replace an existing printer that is not compatible with the new computer system.

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

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

Resolution No. 118 was declared unanimously carried and duly adopted.

Working Foreman position – Highway Department

A lengthy discussion ensued between the Highway Superintendent and Town Board about reactivating the Working Foreman position that had been created a number of years ago, used on and off, and is now vacant. After looking at Highway Department operations, the Highway Superintendent had sent a Memo to the Town Board explaining his reasons; it was further recommended that whoever would be appointed to this post would receive One Dollar (\$1) per hour above their regular pay for the added responsibility. The opening would be posted in-house. Answering Councilman Woodland, the Highway Superintendent stated the position had been inactive for about four (4) or five (5) years and that this would be an added responsibility....would float with the time of day and projects going on. Supervisor Humphreys inquired whether the person with this stipend would receive any others, stating he doesn't believe the person should have more duties. Since the position hasn't been posted yet, the Highway

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Superintendent couldn't say. Councilman Butler had previously discussed this matter with the Highway Superintendent; during winter months, the person would be on third shift – to keep the Highway Department running as smoothly as it should. Councilman Backman wasn't ready to act on this tonight. Thereafter, Councilman Butler introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 119 OF 2004)*Defeated

RESOLVED that the New Hartford Town Board does hereby approve and recreate the Working Foreman position in the Highway Department, with the appointee to receive One Dollar (\$1) per hour for the additional responsibility, over and above their regular hourly wage.

Discussion continued with Councilman Waszkiewicz asking why the stipend had stopped – the Highway Superintendent responded that the employee decided the position wasn't for him and wanted to stop; however, it's now believed it's better to have the position.

[NOTE: Telecommunicator Supervisor Jeffery Madden arrived at 8:11 P.M.]

Supervisor Humphreys insisted there be a limit on the stipend. Councilman Waszkiewicz asked if filling the Working Foreman position would ensure there would be no gaps of supervisory position and the Highway Superintendent answered affirmatively. While Councilman Waszkiewicz understood the Town Supervisor's position, he believed these were two (2) separate matters.

[NOTE: Attorney Rossi arrived at 8:14 P.M.]

The Town Clerk then polled the Board members who voted as follows:

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

Resolution No. 119 was declared **DEFEATED** and **NOT ADOPTED**.

Budget – Motor Vehicle Repair

Three (3) quotes, ranging from \$7,000 to \$10,000, have been received to repair a Highway vehicle damaged in an accident several weeks ago. While no action is needed by the Town Board, the Highway Superintendent intends to move forward with the repairs with the understanding that if the Highway Department budget “repairs line item”

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is over-expended prior to the end of this year, that he will come back to the Town Board to get money put back in his budget from surplus funds or elsewhere. The vehicle was not covered under the Town's insurance policy.

Vacation Time Earned

In past years and most recently in 2001, the Town Board approved a policy of giving an additional five (5) vacation days to department heads in appreciation for their time, dedication and long hours for which they are not compensated beyond their annual salary (no overtime, no compensatory time). Highway Superintendent Cleveland requested that the Town Board consider extending the additional five (5) vacation days to Deputy Highway Superintendent DeCuffa, who doesn't receive overtime, does a lot of extra work and for all its intents and purposes, "... is a department head and only receives twenty (20) vacation days"; his request will be set forth in writing.

MATTER SUBMITTED BY COUNCILMAN WASZKIEWICZ

AGENDA ITEM:

- **Analysis of Office Space** - Donald Bataille of Bataille Architecture & Planning distributed a handout entitled "Town of New Hartford, Space Plan Study Proposal – Sample Work Product – April 7, 2004". Initially, he looked at the Police Department and subsequently, the Police/Court combination, defining the scope of work, space, functionality, acoustics, etc. Three (3) things will determine a project – the scope, money and schedule. Mr. Bataille was present to address questions from the Board; a lengthy discussion ensued and the Town Board consensus was for Mr. Bataille to provide a cost estimate for a study to include police and courts, including expansion of the existing site and construction of a new police/court complex at a not-to-exceed cost of Two Thousand Dollars (\$2,000).

REPORTS OF TOWN OFFICIALS (CONT'D)

HIGHWAY SUPERINTENDENT (CONT'D)

Road Dedication – Applewood Community Development

The Highway Superintendent reported on the April 19, 2004 meeting pertaining to the proposed dedication of roads in the Applewood Community; also discussed was the testing of the development's road construction material during Summer 2003 and Winter 2003-2004. Initial results were unfavorable and the subsequent winter conditions weren't conducive to proper testing. Developer John Barkett, Jr. has done separate tests and the Town has received a letter from the developer's engineer, certifying the test results and that the core sample meets the Town's criteria. Attorney Rossi suggested that the Town perform their own testing to be on the safe side. After considerable discussion,

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

(RESOLUTION NO. 120 OF 2004)

WHEREAS, Developer John Barkett, Jr. is desirous of obtaining building permits for certain roads within the Applewood Community; and

WHEREAS, some of the roads have not been presented for acceptance and dedication by the Town Board; and

WHEREAS, road construction core samples were unsatisfactory in the Summer of 2003 and Winter 2003-04 and the Town Board has concurred that additional testing be done;

NOW, THEREFORE, BE IT RESOLVED that the Town Board concurs that if additional core samples can be tested with results available prior to the April 21, 2004 Town Board meeting, and if Attorney Rossi and the Highway Superintendent review, concur and submit their signatures of approval that this is the last element to happen before road dedication and that the tests are validated and road construction materials meet Town specifications, it will allow Developer John Barkett, Jr. to obtain Building Permits and come to the April 21, 2004 Town Board meeting to dedicate the roads.

Further discussion continued, with the comment that if the roads do not meet Town specifications, the Codes Department could withhold issuing a Certificate of Occupancy for each mobile home. Attorney Rossi believes if the mobile homes are put in and then problems are found with the road(s), there could be a legal problem if the Town doesn't issue a Certificate of Occupancy. There being no further discussion, the Town Clerk polled the Board members who 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.

Stormwater Drainage

Attorney Rossi has discussed the stormwater drainage problem involving the Denaro and Haider properties off Higby Road, near Upper Woods and White Pine Roads. The Town Board concurred that once the snow melts, Senior Engineering Technician John Meagher will perform an on-site inspection, monitor the situation and then write letter to

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Dr. Haider; then if Dr. Haider fails to take action, the Town Board will review the matter.

Personnel – Highway Employee Promotions (Effective Date Changed)

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

(RESOLUTION NO. 121 OF 2004)

WHEREAS, the Oneida County Personnel Department hadn't approved the qualifications of Kevin Martin until March 31, 2004 and Robert Dziejdzic until April 2, 2004, and the Town Supervisor wants the March 24, 2004 Resolution amended as to the effective date of the promotions and the corresponding pay increase;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 101 of 2004, promoting Kevin Martin and Robert Dziejdzic as Heavy Equipment Operators, so that the effective date of these promotions shall be April 4, 2004, with their corresponding wage increase also to be effective April 4, 2004.

A roll call vote was conducted by the Town Clerk:

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

Resolution No. 121 was declared unanimously carried and duly adopted.

Agreement for Sewer Service – Fiorentino Property

Upon recommendation of Attorney Rossi who had reviewed the agreement, Councilman Waszkiewicz introduced the following Resolution, seconded by Councilman Butler:

(RESOLUTION NO. 122 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute the Sanitary Sewer Agreement between the Town of New Hartford and Thomas Fiorentino, 163 Paris Road, New Hartford, New York.

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

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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. After the Supervisor signs the document before a Notary Public, the Town Clerk will forward the original Sewer Agreement to Attorney Rossi who will record same in the Oneida County Clerk's Office; once recorded, the original document will be returned to the Town Clerk's Office for permanent filing.

TOWN CLERK:

Permissive Referendum Petition – Higby Road Water District

Town Clerk Gail Wolanin Young and staff had reviewed the signatures on the Petition calling for a referendum on the establishment of the Higby Road Water District. Six (6) signatures were disqualified since the individuals were not listed as a property owner and their name did not appear on a deed. There remained a sufficient number of signatures to force a Special Election. The Town Clerk reviewed correspondence from Bond Counsel Thomas Myers, defining action the Town needs to initiate, including the appointment of election workers for voter registration and the Special Election. After further discussion, Town Board consensus was to conduct the Special Election on Thursday, June 3, 2004 from 12:00 Noon until 8:00 P.M. at the Kellogg Road Community Center Building; the formal Resolution will be presented for adoption at the April 21, 2004 Board meeting by which time the Town Clerk expects to have hired the requisite number of election workers. Thereafter, Councilman Backman introduced the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 123 OF 2004)

RESOLVED that, although State Law does not require this procedure, the New Hartford Town Board does hereby authorize and direct the Town Clerk to forward a copy of the Notice of Special Election to all property owners within the proposed Higby Road Water District.

The Town Board then voted upon roll call:

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

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

Approved Minutes – New Hartford Public Library

Since the Town Clerk had pointed out that the Town Board minutes are available on the Town's Web site and had inquired whether she could cease forwarding a hard copy of the minutes to the New Hartford Public Library, Councilman Waszkiewicz had contacted a Library representative, learning that there is a very low demand for the minutes and that Thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 124 OF 2004)

RESOLVED that the New Hartford Town Board does hereby rescind, effective immediately, the March 7, 2001 Town Board Resolution No. 72 requiring the Town Clerk to send approved Town Board minutes to the New Hartford Public Library, since the Town Board minutes are available on the Town of New Hartford Web site (www.town.new-hartford.ny.us).

The Town Clerk polled the Board members who voted 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.

POLICE CHIEF:

Annual Report – Emergency Dispatch Center

A copy of the annual report on Dispatch Services for 2003 was distributed to the Town Board and Town Clerk.

Indemnification of Town Officers and Employees

After a report from Attorney Rossi on a Federal court case involving several police officers who were sued, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

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(RESOLUTION NO. 125 OF 2004)

RESOLVED that the New Hartford Town Board does hereby adopt the provisions of Section 18 of the Public Officers Law to indemnify Town Officers and employees, effective immediately.

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.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda items:

- *New York Mills Annexation* – Attorney Rossi will discuss in Executive Session
- *Sewer Extension coinciding with Water system expansion formula & Funding* – Councilman Waszkiewicz is continuing to look for a no-cost way of accomplishing this. Taxes are increasing because of a new water district, the reassessment, Willowvale Fire District new firehouse and now sewer, but if taxpayers want these benefits and are willing to pay for them, the Town should look into this.
- *Subdivision regulation – recreation areas green space* – Attorney Rossi had met with Councilman Waszkiewicz and the Codes Enforcement Officer on this matter. Attorney Rossi has drafted a letter and is awaiting information from the Town Planner.
- *Resolution requiring a site plan to be submitted, including first floor elevations, prior to the issuance of any new building permits* – Same report as for subdivision/green space
- *Updating handbook and/or job description regarding salaried personnel* – Since the Town Supervisor had distributed a list of which employees he considered “salaried” and those he considered “hourly”, Councilman Waszkiewicz suggested that the Employee Handbook, prepared by AMTEK, be amended to reflect these new definitions.

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COUNCILMAN BUTLER:

Training School

Upon request of Codes Enforcement Officer Gerald Back, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 126 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 Joseph Booth, Codes Enforcement Officer, to attend a Codes Class regarding Introduction to International Building Codes on April 19, 2004 in New York City, New York, including hotel accommodation on April 18, 2004, with expenses to be borne by said Town as budgeted and not to exceed Three Hundred Fifty Dollars (\$350).

The 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.

COUNCILMAN BACKMAN:

Ethics Policy

Councilman Backman acknowledged receipt of a letter to the Town Board from Attorney Rossi relative to amending the Town's Ethics policy and specifically, elected officials hiring an immediate family member over whom they would have supervision. He inquired whether the Town Board was ready to act on this matter; Councilman Butler suggested the issue be tabled until the April 21, 2004 Town Board meeting.

UTA Representative Resignation

The Town Supervisor having received the resignation of Carmen Graziano as the Town's representative on the Utica Transit Authority, Councilman Backman suggested that the Town Supervisor send a letter of thanks to Mr. Graziano for his time served.

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ATTORNEY ROSSI:

Water Works Corporation – Whitetail Meadows Subdivision

Attorney Rossi having reviewed documents for creation of a Water Works Corporation for the Whitetail Meadows Subdivision, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 127 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the members of said Board to execute the Municipal Consent for formation of the Whitetail Meadows Water Works Corporation by the Whitetail Meadows Subdivision Corporation, under the provisions of the Transportation Corporation Law, for the purpose of supplying water to nine (9) residential lots in said Whitetail Meadows Subdivision, and more particularly to Parcel Numbers “6” through “12” inclusive, “25” and “26” as referenced by a certain Plat Map dated July 28, 2003, revised August 14, 2003, said Plat Map approved by the Town Planning Board and filed in the Oneida County Clerk’s Office on September 4, 2003, bearing Map Number 1952; further, that the Town Board consents to filing of the Certificate of Incorporation.

The Town Clerk then polled the Board members who voted as follows:

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

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

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL AND OTHER ROUTINE REPORTS:

Audit of Vouchers

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

(RESOLUTION NO. 128 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:

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| | |
|---|---------------------|
| General Fund Whole-Town Abstract No. 18 | \$ 800.00 |
| General Fund Whole-Town Abstract No. 19 | \$ 82,389.90 |
| General Fund Part-Town Abstract No. 11 | \$ 4,472.34 |
| Highway Fund Part-Town Abstract No. 8 | \$116,197.48 |
| Bleachery Ave Bridge Abstract No. 1 | \$ 22,266.50 |
| Street Light Fund Abstract No. 5 | \$ 7,221.58 |
| Sewer Fund Abstract No. 8 | \$ 4,814.72 |
| Water Fund Abstract No. 3 | \$ <u>1,000.00</u> |
| TOTAL: | \$239,162.52 |

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.

Insurance Claim - Denied

Jeremy Zogby had been involved in a motor vehicle accident with a Town snowplow, and had been issued several tickets – leaving the scene of an accident and an unregistered vehicle. The Town’s insurance company had denied his claim for reimbursement of Forty Dollars (\$40) to replace his mirror. After some discussion, the Town Board’s consensus was to stick with the insurance company’s denial of the claim; therefore, no action will be taken as the matter doesn’t warrant action.

Cable Television Franchise Agreement - Audit

Relative to Councilman Waszkiewicz’s previous inquiry as to who audits the ADELPHIA financial report, Supervisor Humphreys talked to an ADELPHIA representative who said that Price, Cooper and Waterhouse audits their books and these documents are available at their Pennsylvania office for review.

Donation – 501 3 C Foundation

After a brief discussion, the following Resolution was offered for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 129 OF 2004)

WHEREAS, Jessie Brayton had sent a Fifty Dollar (\$50) donation to the Town Supervisor in appreciation for the Highway Department’s prompt service in removing

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tree limbs from the road right-of-way fronting her property and asking that this donation be used for a benevolent purpose; and

WHEREAS, on November 4, 1998 the New Hartford Town Board had established a “gift”/“donation” policy pursuant to Section 64(8) of the Town Law;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby accept the donation of Fifty Dollars (\$50) from Jessie Brayton and does further authorize and direct that said donation be “earmarked” and deposited into the 501 3 C Foundation account to be established in the near future.

The Town Clerk polled the Board members who 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. Supervisor Humphreys will forward a letter of thanks to Mrs. Brayton.

Grant Consultant Meeting

Councilman Waszkiewicz stated that the O’Connell group will meet with the Town Board at 6:00 P.M. on April 21, 2004 to discuss future grant work.

Commercial Drive land-locked parcels

To follow up on constituent complaints expressed at the March 24, 2004 Town Board meeting, Councilman Waszkiewicz had contacted the State Department of Transportation and was informed that the State offered two (2) proposals to property owners whose land would be affected by the widening of Commercial Drive (aka Truck Route 5A):

- Be paid 100% and the State would take their entire property, or
- Be paid 90% of property and have no access to Commercial Drive.

EXECUTIVE SESSION

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

(RESOLUTION NO. 130 OF 2004)

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RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition only.

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 11:11 P.M. Attorney Rossi remained for the Executive Session.

[**NOTE:** The following transcript was provided by the Town Supervisor on April 9, 2004.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 131 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 11:52 P.M. The regular portion of the Town Board meeting was immediately reconvened.

Professional Services Agreement – Police/Court (new construction vs. expansion)

The following Resolution was introduced for adoption by Councilman Woodland and

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seconded by Councilman Backman:

(RESOLUTION NO. 132 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Agreement between the Town of New Hartford and *Bataille Architecture & Planning*, the latter of whom shall perform a study of the existing Jerome K. Madden Justice Building (police/court) and provide a cost comparison to build a new facility versus enlargement of the existing police/court complex; the study shall be done at a not-to-exceed price of Two Thousand Dollars (\$2,000).

A roll call vote was duly held 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.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Woodland, seconded by Councilman Backman, the meeting adjourned at 11:58 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk