

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING ON WEDNESDAY, JUNE 16, 2004 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

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

OTHER TOWN OFFICIALS: Codes Enforcement Officer Gerald F. Back
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Town Clerk Gail Wolanin Young, CMC/RMC

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:11 P.M.)

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

MINUTES

May 9, 2004 Special 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 Backman:

(RESOLUTION NO. 202 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 **May 9, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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The Resolution was declared unanimously carried and duly adopted.

REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER:

Property Maintenance – 9383 Hamilton Place

After a report from the Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Backman and seconded by Councilman Woodland:

(RESOLUTION NO. 203 OF 2004)

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

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and debris upon premises located at 9383 Hamilton Place, Chadwicks, New York, Tax Map Parcel No. 350.017-1-2, owned by Anna Perrone whose last known address is 9383 Hamilton Place, Chadwicks, New York; and

WHEREAS, the Codes Enforcement Officer had communicated with said Anna Perrone via certified mail;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to proceed with removal of said debris at 9383 Hamilton Place, Chadwicks, New York with the costs and expenses incurred by the Town in connection with said proceedings to be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby approve clean up of said premises, with the costs to be levied against said property on the 2005 Town and County Tax Bill.

Town Board consensus was that the Town Codes Department would maintain the aforesaid property on an “as-needed” basis with the next inspection to be July 1, 2004. Thereafter, the Town Board voted upon roll call:

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

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The Resolution was declared unanimously carried and duly adopted.

Property Maintenance – 19 Sedgewick Park

Codes Enforcement Officer Back reported that the Town Parks' staff is continuing to mow the lawn at 19 Sedgewick Park, levying such expense against said property on the upcoming 2005 Town and County Tax roll.

Property Maintenance & Zoning Violations – Abelove property, 3385 Oneida Street

According to Town Court records, Mr. Abelove was supposed to have cleaned up the property and removed all vehicles from the 3385 Oneida Street location effective June 1, 2004; however, Codes Enforcement Officer Back hasn't seen any improvement. CEO Back had performed an on-site inspection today and drove to the rear of the property. While Mr. Abelove did remove four (4) cars he claimed weren't his, there are still 40-50 vehicles on the premises, with grass about 6 feet high. The matter will be further discussed when Attorney Rossi arrives at the meeting.

Property Maintenance – Clinton Street/Middlesettlement Road area

Answering Councilman Waszkiewicz's question, Codes Enforcement Officer Back stated that The Orchards developer has purchased the two (2) houses on the corner of Clinton Street-Middlesettlement Road and CEO Back will communicate with the developer about mowing the grass at this site.

TOWN CLERK:

Use of Town Voting Machines

The Town Clerk having received on June 15, 2004 a request from the New Hartford Central School District, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 204 OF 2004)

RESOLVED that the New Hartford Town Board does hereby grant permission to the New Hartford Central School District to use seven (7) Town voting machines for their second School Budget Vote on Thursday, June 17, 2004, with transportation and set-up of the machines to be arranged through Voting Machine Custodian Michael Jeffery, at no expense to the Town of New Hartford.

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

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

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Supervisor Humphreys - Aye.

Resolution No. 204 was declared unanimously carried and duly adopted.

Raffle Consent – Heritage Health Care Center

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

(RESOLUTION NO. 205 OF 2004)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Heritage Health Care Center, 1657 Sunset Ave., Utica, NY, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

Upon roll call, the Town Board voted as follows:

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

The Resolution was thereafter declared unanimously carried and duly adopted.

Raffle Consent – Youth Empowerment Project, Inc.

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

(RESOLUTION NO. 206 OF 2004)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Youth Empowerment Project, Inc., 417 Court Street, Utica, NY, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

The Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Fireworks Display Permit

The Town Clerk had referred to Yahnundasis application for a Fireworks Permit to the Town Codes Enforcement Officer, who had approved the application, and to the Town Police Chief whose response hasn't been received yet. After some discussion, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 207 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to the Yahnundasis Golf Club a Fireworks Display Permit for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford, on Sunday, July 4, 2004 at 9:30 P.M., in accordance with the State Penal Law and regulations set forth in said Permit, contingent upon the Town Police Chief's approval of the permit application.

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.

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June 3, 2004 Special Election – Higby Road Water District

Relative to the Special Election held June 3, 2004, Town Clerk Gail Wolanin Young reported that the voters approved the establishment of the Higby Road Water District as follows:

	<u>YES</u>	<u>NO</u>
Voting Machine Count	121	78
Absentee Ballot	1	1
Affidavit Ballots	<u>1</u>	<u>4</u>
TOTALS:	123	83

A third Absentee Ballot was disqualified because the person’s name was not included on the property Deed (confirmed by the Assessor’s Office) and six (6) Affidavit Ballots were rejected because two (2) voters’ property is not located within the territorial boundaries of the proposed Water District but rather in the former Washington Mills Water District) and four (4) voters’ names were not included on the property Deed (confirmed by the Assessor’s Office). This information has been conveyed to Bond Counsel Thomas Myers, who will be forwarding a *Certificate of Result of Canvass of the Vote*.

NYS Public Health Law – Cost of Death Transcripts

The Registrar will be submitting a Resolution for Board review and action relative to collecting the statutory fee for copies of amended death transcripts due to funeral home/physician error.

REPORT OF SPECIAL COMMITTEE

MOTOR POOL COMMITTEE:

Surplus Vehicles – Public Sale

Discussion ensued on the possible sale of a Tahoe, a mitigation vehicle whose sale proceeds would be required to be deposited in the Mitigation Account, as well as the possible sale of three (3) Crown Victoria’s (former police vehicles) whose proceeds would be deposited in the General Fund. The Highway Superintendent may be interested in keeping one; Oneida County is not conducting an auction this year. Discussion included:

- checking the book value of all vehicles
- advertise in the Observer Dispatch or on E-bay. If on E-Bay, create a Town of New Hartford account so that any future property to be sold can be advertised through this account

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- Councilman Backman willing to work with Account Clerk Janice O’Sullivan or whatever point person is designated so that person is comfortable with E-Bay.
- set a minimum bid by calling a dealer, who Councilman Waszkiewicz will contact.

Because the Highway Superintendent indicated he had a list of surplus vehicles also, the matter was deferred until the July 7, 2004 Town Board meeting.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Judd Road Connector Project – Nighttime Traffic (Quarry runs)

After a report from Councilman Backman about the nighttime truck traffic “thundering” through Roberts Road to and from the Litchfield quarries, it was Town Board consensus that the Town Clerk write a letter to Lancaster Development, Inc. educating them that their truck drivers proceeding through residential neighborhoods when people are trying to sleep and that the Town would appreciate the cooperation and extra effort of their drivers to “tip-toe” through the neighborhoods. Acknowledging that Roberts Road is a commerce route, nonetheless residents are trying to sleep and Roberts Road was never meant to be a 24-hour commerce route.

Tibbitts Road Speed Study

Upon request of Councilman Backman, Police Chief Philo said his Department will conduct a brand new speed study to include speed, volume and engineering data, etc. at different times of day and determine what impact vehicular speed has on the Jubilee Estates Development on Tibbitts Road.

REPORTS OF TOWN OFFICIALS (CONT’D)

TOWN POLICE CHIEF:

Paulevan Place Traffic Study

The traffic study of Paulevan Place has been delivered to the Zoning Board of Appeals; this data should be reviewed by the Police Chief, Councilman Woodland and the Highway Superintendent, after which Councilman Woodland will meet with the area residents.

Fireworks Display Permit (Resolution No. 207 of 2004)

Chief Philo had finished his review of the Yahnundasis Golf Club application for a Fireworks Permit, reporting that the application meets the State Penal Law and NFPA standards; he submitted his written approval of the application.

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HIGHWAY SUPERINTENDENT:

Pre-Development Agreement & Memorandum of Understanding – (Paul Chapman Agency)

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

(RESOLUTION NO. 208 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement between the Town of New Hartford and the Paul Chapman Agency, Burrstone Road, New Hartford, NY wherein said Paul Chapman Agency has offered to contribute, as per the conditions of said Pre-Development Agreement, the total sum of Thirteen Hundred Twenty Dollars (\$1320.00) as same relates to the development of an expanded parking area within the French-Burrstone-Champlin Ave Generic Environmental Impact Study boundary area; and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and directed to execute the Memorandum of Understanding related to this project.

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

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

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

Proposed Code Amendment (Chapter 113) Stop Sign Legislation – Various Developments

The Highway Superintendent and Police Chief had reviewed requests from some South Woods residents for Stop Signs in their Development; stop signs may also be proposed for the new Whitetail Meadows Development and the Applewood Community. The Highway Superintendent will provide the Town Clerk with the necessary information so that legislation can be prepared, hopefully, for the July 7, 2004 Town Board meeting. Because no petition had been submitted by the residents of South Woods, Councilman Backman wants everyone notified in the development (South Woods); in the future, weigh these requests on a case-by-case basis. After some discussion, Councilman Waszkiewicz introduced the following Resolution, seconded by Councilman Backman:

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(RESOLUTION NO. 209 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Clerk to forward a postcard to each and every property owner within the South Woods Development, Whitetail Meadows Development and the Applewood Community, setting forth the date, time and place at which the Town Board will conduct a public hearing to amend the Code, Chapter 113 (Vehicles and Traffic), to include stop signs in the respective developments.

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

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

The Resolution was thereafter declared carried and duly adopted.

Vehicles & Traffic – Mandatory left-turn only/TOPS Plaza, Kellogg Road

Councilman Backman and Supervisor Humphreys have been working on how to create a mandatory left-lane turn only on Kellogg Road into TOPS Plaza, with hopes to accomplish this without a \$5,000 study – perhaps a \$2,000; unless the study comes back with a real tough obstacle. Parties involved are the railroad (crossing), the NYS Department of Transportation (traffic signal) and Oneida County (owns Kellogg Road).

Competitive Bid – Bituminous Concrete Paving of Roads

The Town received three (3) sealed bids on June 15th for road paving; the Highway Superintendent is in the process of canvassing the bids.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Items

- Handout to volunteer board participants – brief education on how to act and bring about consensus - procedures to volunteer board and supposed to have it returned by this meeting; tailored towards tax-exempt committees and boards. Councilman Waszkiewicz will furnish Board members with copies.
- Written expectation for citizens’ assessment review committee and budget review committee – there was concern of what’s expected of the citizens if they are selected; Councilmen Waszkiewicz and Backman will prepare written criteria to

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include frequency of meetings, time of day, etc. and will obtain further information from Bookkeeper Carol Fairbrother. The Councilmen will also set forth details for the assessment review committee

(NOTE: Attorney Rossi joined the meeting at 8:11 PM.)

- MVWA advisory on emergency notification procedure – a resident tried to find out why the BOIL ORDER was issued and whether it applied to wash water as well as drink water
- Subdivision regulations (recreational area green space) and site plan to be submitted, including first floor elevation, prior to issuing any new Building Permits – Councilman Waszkiewicz needs to meet with Attorney Rossi on these matters
- Amend Handbook – salaried personnel - figure out which employees are actually salaried in accordance with the Fair Labor Standards Act (FLSA); Attorney Rossi is delving into whether the Bookkeeper is at time and a half for hours worked beyond the normal business hours.
- HOC Industrial Development Zone – going through with an amendment to try to stimulate as many businesses in area as possible
- Phone message during lunch hour – Councilman Waszkiewicz asked what could be done to have phones answered in the Supervisor’s Office at lunchtime. The Town Clerk suggested that the lines be transferred to her office because it doesn’t close for lunch hour; someone is always there to answer. This procedure had been instituted over a year ago but for some reason, the transfer of calls was stopped.
- Save our Home legislation – Florida and Massachusetts have laws and Councilman Waszkiewicz hoped to build consensus to petition NYS Legislators to act something similar to those. Councilman Backman would like to petition for
 - allowing change in the commercial property tax rate
 - property assessment cap
 - allow a value change to be assigned by assessor when property is sold.Councilmen Backman and Waszkiewicz will craft a letter for Town Board review.
- RFP for town-wide revaluation - Councilman Backman has met with the Assessor and now the entire Town Board needs to meet with Assessor Smith to draw up and draft a timeframe for competitive bid – bids to be received in Town Clerk’s Office.
- Board approval to submit data spreadsheet – Councilman Waszkiewicz prepared a spreadsheet comparing New Hartford with other communities such as Orchard Park, Colonie, Webster, and Penfield; Board consensus was that Councilman Waszkiewicz proceed with submission of this document.

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COUNCILMAN BACKMAN:

Agenda Items

- *Assessment rollback* - At Councilman Backman's request, Attorney Rossi reported he'd called State Senator Meier's Office late this afternoon and also had a follow-up conversation with the Office of Real Property Services (ORPS) today. Bottom line is he believes rollback of only the trends is not legal or constitutional and the Senator wouldn't be able to support legislative enactment – if proposed, would be opposed by ORPS, etc., and might lead to equal rate penalty to the Town and this would nullify. Attorney Rossi doesn't think it's a workable solution. Lengthy discussion ensued among Board and Attorney – pros and cons – of rollback of assessment figures, powers of state legislature to rollback certain figures, the prerogative of ORPS to oppose and the Governor would have to listen; opening window of opportunity for property owners to grieve their 2003 assessments because the 2004 BAR Grievance procedure and all involved would have to be set aside. Attorney Rossi distributed copies of a court decision, which Board members were asked to read through and then discuss at the July 7th meeting.

ATTORNEY ROSSI:

Law Enforcement Liability Policy

Discussion ensued on the controversy between TRIDENT and the Town about the cost of defense in a police matter; the Town has received \$3,000 to \$4,000 in bills. The Town Supervisor said TRIDENT doesn't write many policies for New York law enforcement agencies. Police Chief Philo stated that the Town has never paid in the past and he inquired whether there is a difference in policy language, emphasizing that the Town never paid in the past for indemnification of police officers. TRIDENT maintains there is a \$10,000 deductible, with the deductible applying to defense.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL AND OTHER ROUTINE REPORTS:

Audit of Vouchers

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

(RESOLUTION NO. 210 OF 2004)

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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. 25	\$ 60,896.39
General Fund Whole-Town Abstract No. 26	\$ 3,755.21
General Fund Part-Town Abstract No. 14	\$ 1,534.73
Highway Fund Part-Town Abstract No. 11	\$ 53,803.08
Sewer Fund Abstract No. 10	\$204,058.85
Street Light Fund Abstract No. 6	\$ <u>6,906.59</u>
TOTAL:	\$330,954.85

with exception of the Maxwell Appraisal vouchers which are not to be paid until this firm signs a release; the amount due Maxwell Appraisal has been decreased by One Thousand Dollars as mutually agreed upon by both parties.

The Town Board voted upon roll call as follows:

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

This Resolution was declared unanimously carried and duly adopted.

Bonding – Willowvale Fire Co., Inc. new firehouse

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

(RESOLUTION NO. 211 OF 2004)

WHEREAS, the Willowvale Fire Company, Inc. is a not-for-profit corporation with a Certificate of Incorporation having been filed August 9, 1950; and

WHEREAS, the Willowvale Fire Company, Inc. is interested in seeking access to federally tax-exempt financing for a capital improvement project, namely, a new firehouse; and

WHEREAS, the New Hartford Town Board has been notified that the Willowvale Fire Company, Inc. has been approved for the financing for the new fire station and that such approval is subject, among other items, to an increase in funding from the Town of New

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Hartford by an approximate amount of One Hundred Thirty Thousand Dollars (\$130,000) per year;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby acknowledge its intent to increase its levy by an amount of at least One Hundred Thirty Thousand Dollars (\$130,000) through the necessary budget process and means to increase such funding. It furthermore resolves that it has the authority to approve an increase in such funding for the Willowvale Fire Company, Inc. and does not have any procedural matters that would impede its ability to increase the funding. However, the Town retains its discretion to approve such funding depending on the circumstances at the time of the budget process.

A roll call vote was duly held as follows:

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

The Resolution was thereupon declared unanimously carried and duly adopted.

Economic Development

Upon request of Supervisor Humphreys, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

(RESOLUTION NO. 212 OF 2004)

RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to Supervisor Ralph B. Humphreys to attend the June 23, 2004 Business Meeting of the Mohawk Valley Economic Development agency in Utica, New York, at a cost of Thirteen Dollars to be borne by said Town.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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Authorized Signatures – Adirondack Bank

Upon presentation by the Supervisor, the following Resolution was offered for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 213 OF 2004)

WHEREAS, on September 21, 2001, the New Hartford Town Board opened the Town of New Hartford Sewer Capital Savings Account and the Town of New Hartford Severance Savings Account at the Adirondack Bank, 2817 Genesee Street, Utica, NY; and

WHEREAS, since the opening of the above-referenced accounts, Town Officials have changed office and new signature cards are necessary;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby delegate the following powers to (A) Town Supervisor Ralph B. Humphreys, (B) Deputy Town Supervisor Donald C. Backman and/or (C) Bookkeeper Carol D. Fairbrother:

- Open any deposit or share account(s) in the name of the Town of New Hartford; (A), (B) and (C)
- Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with Adirondack Bank; (A), (B) and (C)
- Borrow money on behalf and in the name of the Town of New Hartford, sign, execute and deliver promissory notes or other evidences of indebtedness; (A) and (B)
- Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or acquired by the Town of New Hartford as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment; (A) and (B)
- Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in Adirondack Bank; (A).

and that said Officials/employees be authorized and directed to execute the required signature cards.

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

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

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted.

Insurance Policy Renewals

This is the last Board meeting before the Town's insurance policies expire on June 30th; the Town Supervisor consulted with Bailey, Haskell & Lalonde who received a quote from TRIDENT, the Town's current company, and they have some changes in the vehicles and changes not on new policy. The rate carries less than a One Percent (1%) increase of \$1250 for last year's vehicles not this year's. The Town is awaiting other quotes. After some discussion, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 214 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to renew the various Town insurance policies with TRIDENT and in the case of the Law Enforcement Liability Policy, that this policy be renewed contingent upon removal of the clause that the \$10,000 deductible includes defense expenses; otherwise, the Town will not renew this policy with TRIDENT.

The Town Clerk will make copies of the current policy for review by Attorney Rossi and the Town Supervisor. Thereafter, a roll call vote ensued:

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

The Resolution was declared unanimously carried and duly adopted.

Property Maintenance & Zoning Violations – Abelove property, 3385 Oneida Street

Attorney Rossi wrote to Mr. Abelove today, asking for proof that the \$1750 fine had been paid to Town Court and that cars had been removed from the premises, if no action has been taken by Mr. Abelove by July 1, 2004, the Town will pursue action.

2003 Competitive Bid – Sidewalk Construction

After a report from the Town Supervisor, Councilman Backman introduced the following Resolution and Councilman Woodland seconded same:

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(RESOLUTION NO. 215 OF 2004)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the settlement of a claim from D'Amore Masonry for a Sidewalk Construction Contract that had been awarded to them in 2003; specifically, Attorney Rossi is hereby directed to consult with Highway Superintendent Cleveland to clarify the reasons and responsibility for alleged delays in the work and pending the Attorney's review, he is hereby authorized to prepare a Release to be signed by D'Amore Masonry before a check is issued and that the settlement of this matter not exceed Six Hundred Dollars (\$600).

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

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

Commendation – Codes Enforcement Officer Joseph Booth

Police Chief Philo commended Codes Enforcement Officer Joseph Booth who reported to a fire involving asbestos at 18-22 Genesee Street early Sunday, June 13, 2004 and staying at the site during the afternoon and evening while the building was being razed; businesses lost as a result were DeFazio's Pizza & Pasta, The Village Café and Shaffer's Pub. With police overtime also, a public hazard was eliminated and Chief Philo didn't think the Codes Department receives enough compliments. The Town Board commended the Police Department for a quick arrest (arson).

EXECUTIVE SESSION

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

(RESOLUTION NO. 216 OF 2004)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss current and pending litigation.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media and Town Clerk, were then excused from the meeting at 9:40 P.M.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 217 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 Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:31 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting adjourned at 10:32 P.M.

Respectfully submitted,

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