

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT THE KELLOGG ROAD COMMUNITY CENTER  
BUILDING ON WEDNESDAY, JULY 7, 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  
Deputy Highway Superintendent Anthony DeCuffa  
Director of Parks & Recreation Michael Jeffery  
Director of Senior Services M. Eileen Spellman  
Police Chief Raymond Philo  
Telecommunicator Supervisor Jeffrey P. Madden  
Town Clerk Gail Wolanin Young, CMC/RMC and  
Deputy Town Clerk II Nancy E. Kneller

**OTHERS:** Attorney Vincent Rossi, Jr. (Arrived at 8:15 P.M.)

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

**MINUTES**

**April 21, 2004 Regular Town Board meeting**

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

**(RESOLUTION NO. 218 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 **April 21, 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

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly adopted.

**May 5, 2004 Regular Town Board meeting**

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

**(RESOLUTION NO. 219 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 **May 5, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSTAINED, because he was absent from this meeting.
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	Aye.

The Resolution was declared carried and duly adopted.

**May 19, 2004 Regular Town Board meeting**

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

**(RESOLUTION NO. 220 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 **May 19, 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.

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The Resolution was declared unanimously carried and duly adopted.

### **June 2, 2004 Regular Town Board meeting**

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

#### **(RESOLUTION NO. 221 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 **June 2, 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**

### **CONSTITUENT CONCERN – MASON ROAD:**

Although Thomas Rice had asked to be on the agenda, he was not in attendance. Councilman Waszkiewicz acknowledged that Mason Road is in his Ward and that he had spoken with Highway Superintendent Cleveland and the City of Utica regarding joint paving of Mason Road, partially in both municipalities. A further report will take place at the July 21, 2004 Town Board meeting.

### **ASSESSMENT PROGRAMS:**

Fred Carville brought to the Town Board's distributed copies of an article in the Post Standard dated June 29, 2004 regarding information on assessments in the Town of Cicero and Office of Real Property Services and asked that the Town Board review same.

## **REPORTS OF TOWN OFFICIALS**

### **CODES ENFORCEMENT OFFICER:**

#### **Property Maintenance – 13 Dixon Road**

Codes Enforcement Officer Gerald Back reported that an abandoned house on 13 Dixon Road has been a serious problem. The neighbors are complaining of mosquitoes because

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of stagnant water from an in-ground pool in the backyard of the property, as well as overgrown grass and trash on the street. Codes Officer Back has sent certified letters that have been returned unclaimed and has obtained a Summons with police trying to locate the resident. The Codes Officer will speak with Attorney Rossi regarding what other options the Town can take to notify the owner.

### **Vacancy - Part-time, Seasonal Clerk**

As a result of Catherine Koury's resignation, Codes Enforcement Officer Gerald Back has posted a part-time seasonal clerk position with Personnel, New Hartford High School, and on the Web site with the starting rate at Seven Dollars and Seventy-five Cents (\$7.75) an hour.

### **Property Maintenance & Zoning Violations - 3385 Oneida Street, Chadwicks**

Councilman Backman reported that Mr. Abelove has paid the fines and as of July 1, 2004 has begun transporting cars; once the vehicles are removed from the Oneida Street property, Mr. Abelove intends to apply for a Building Permit to renovate the building. Councilman Backman put the Town Board on notice regarding Mr. Abelove's past history and stated, if in fact Mr. Abelove does not fulfill his obligations and promises, he should be served with a Show Cause Order. Councilman Backman suggested maintaining a log of Mr. Abelove's actions to clean up the property.

## **HIGHWAY SUPERINTENDENT:**

### **Rainstorms – Curbside Brush**

Deputy Highway Superintendent Anthony DeCuffa said residents need to keep brush away from ditch pipes and drainage basins because brush is clogging pipes and causing flooding. In order to get this message out to Town residents, it was suggested an article be published in the Town Crier.

### **Surplus Vehicle Sale**

Continuing discussion from the July 7, 2004 Town Board meeting, Councilman Waszkiewicz asked the Deputy Highway Superintendent to obtain the book values for the vehicles to be declared surplus. Town Board action was deferred until the July 21, 2004 Town Board meeting at which time definitive action will be taken.

### **Competitive Bid - Award of Bituminous Paving Contract**

Upon recommendation of the Highway Superintendent and Attorney for the Town, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland;

**(RESOLUTION NO. 222 OF 2004)**

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**WHEREAS**, the Town Superintendent of Highway did, on the 7<sup>th</sup> day of July, 2004 duly recommend the purchase of road paving pursuant to the provision of Section 142 of the Highway Law;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, the following, **CONTINGENT UPON THE DEPUTY SUPERINTENDENT OF HIGHWAYS, OR HIS REPRESENTATIVE, PERFORMING DAILY ON-SITE INSPECTIONS:**

- Bituminous Concrete Paving per the unit prices submitted by *Jana-Rock Construction, Inc., PO Box 658, Cazenovia, NY 13035*, the low bidder, for a maximum price of Four Hundred Thirty-five Thousand One Hundred Ninety-six Dollars and Twenty Cents. (\$435,196.20); paving is for certain Town roads and various locations in the Village of New Hartford, the latter of whom shall be responsible for costs associated with paving village streets

A contract for the item(s) purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of the item(s) purchased, the Town Supervisor shall pay the amount of Three Hundred Ninety-Six Thousand Four Hundred Eighty-Eight Dollars and Seventy Cents. (\$396,488.70) from budgetary appropriations for the purchase of road paving.

Upon roll call, the Town Board 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.

**“No Littering” Sign - 4112 Oneida Street**

To discourage dumping in the vicinity of McDonald’s Restaurant, Deputy Highway Superintendent DeCuffa presented the Highway Superintendent’s recommendation that a no dumping sign be erected; Councilman Butler presented the following Resolution for adoption; seconded by Councilman Backman:

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**(RESOLUTION NO. 223 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to erect a “No Littering “ Sign in the vicinity of 4112 Oneida Street, Washington Mills to discourage the dumping of garbage.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

**Appointment – Part-time, Seasonal Employee**

In behalf of the Highway Superintendent, Deputy DeCuffa recommended the appointment of Robert Reynolds; thereafter, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 224 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby appoint Robert Reynolds to the part-time seasonal position of summer laborer in the Highway Department; for the hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), retroactive to June 21, 2004 and ending August 31, 2004; all wages to be paid bi-weekly:

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

**Tree Removal**

Due to the number of rainstorms and tree damage, Deputy Highway Superintendent DeCuffa reported that the Department is a little behind with tree removal.

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**Acquisition of a Pole Barn**

Supervisor Humphreys reported that Kellogg Road Agway property has been sold to a Syracuse, NY developer who is in the process of cleaning the property and has offered the existing seventy-two hundred (7200) square foot pole barn “free” to the Town if the Town is willing to relocate it. This pole barn would meet the Town’s cold storage needs for years to come and could be reassembled at the Sanger Public Works Garage property between the salt barn and the soccer field. Supervisor Humphreys obtained a Twenty-two Thousand Dollar (\$22,000) quote to disassemble and transport the barn, minus the trusses and the Town would re-assemble. S. R. Sloan, Inc. has been contacted and is willing to send a truck to transport the trusses, this would need a crane to take down and put back up.

**DIRECTOR OF SENIOR SERVICES:**

**Senior Citizen Activities**

Director of Senior Services Eileen Spellman mentioned that the senior citizen picnic will be on July 21, 2004, at 11:30 AM at Sherrillbrook Park and cordially invited the Town Board. Also, a dance at the Nutrition Center will be held on August 12, 2004 from 6:30 – 9:30 P.M.

**PARKS AND RECREATION DIRECTOR:**

**Appointments – Seasonal Parks & Recreation Employees**

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

**(RESOLUTION NO. 225 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 and Recreation Department, commencing July 6, 2004 and ending August 31, 2004; all wages are to be paid bi-weekly:

<b>NAME</b>	<b>POSITION</b>	<b>RATE OF PAY</b>
Michele Becraft	Lifeguard	\$7.50 per hour
Kelly Becraft	Certified WSI	\$9.00 per hour
Sean Dwyer	Evening Lifeguard	\$7.50 per hour
Kevin Dwyer	Evening Lifeguard	\$7.50 per hour

and, be it

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**FURTHER RESOLVED** that the New Hartford Town Board does hereby recognize that the following Water Safety Instructors (WSI) have become Certified WSI and does hereby authorize an increase in their hourly wages to reflect their achievements effective July 6, 2004:

<u>NAME</u>	<u>NEW RATE OF PAY</u>
Paul Manfredo	\$9.00 per hour
Anna Wanner	\$9.00 per hour

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

**Release of Bid Deposit – Donovan Park “Splash Pad”**

Upon the recommendation of Director of Parks & Recreation Michael Jeffery, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 226 OF 2004)**

**WHEREAS**, the Town of New Hartford was unsuccessful in obtaining a State Grant to assist in the conversion of the Donovan Memorial Park wading pool into a “splash pad”; and

**WHEREAS**, the Town had received competitive bids in April 2004 for construction of the “splash pad”, award of the contract being conditioned upon the Town’s obtaining a State Grant;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to refund from the Trust and Agency Account the sum of One Thousand Three Hundred Eighty Dollars and Eighty-four Cents (\$1,380.84) to Universal Play Systems Inc., said amount representing their bid security.

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye



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

The Resolution was then declared unanimously carried and duly adopted.

**Property Maintenance – Oneida Street, near Washington Mills Athletic Park**

Director of Parks & Recreation Jeffery met with residents who were concerned about the neglect and the maintenance of property close to the Washington Mills Athletic Park. In connection with the new Oneida Street bridge, the State had done some plantings near the Records Center; however, no one seems to be maintaining this piece of property within the road right of way. If he had Town Board permission, Director Jeffery would clean up and chip away at it; the small area could then be mowed and maintained a couple times a year. Director Jeffery will discuss this matter with the Highway Superintendent and report at the July 21, 2004 Town Board meeting.

**Internet/Link to Town Offices**

Director of Parks & Recreation Jeffery discussed computer/internet problems being experienced and possible solutions for his department. Options would be to either go with Michael Jeffery's lowest price option or explore the T-1 and decide which system would be feasible.

**Donovan Park Memorial Tree Planting – In Honor of Malcolm Elmer**

Councilman Backman stated that the Boy Scouts and Willowvale Fire Company have proposed a tree planting in memory of Malcolm "Smokey" Elmer who had contributed greatly to the Chadwicks community. Parks and Recreation Director Jeffery stated that tree plantings as a memorial is acceptable and that he would need to identify an appropriate location. In the past, memorial benches containing a plaque have also been provided. Consensus of the Town Board was that Parks and Recreation Director supervise the tree planting/plaque.

**TOWN CLERK:**

**Willowvale Fire Company, Inc. – Bottled Water Raffle/Proof of Workers Compensation Liability Insurance**

Upon the recommendation of the Town Clerk Gail Wolanin Young Councilman Backman presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 227 OF 2004)**

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**WHEREAS**, the Willowvale Fire Company, Inc., is a not-for-profit, volunteer fire fighting organization whose volunteers are covered under the Town's workmen's compensation liability policy;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board shall provide a Certificate of Insurance/Workers Compensation Liability to the Willowvale Fire Company, Inc. to meet the requirements of the Sangertown Mall at which location the Fire Company will sell raffle tickets for bottled water on July 17-18, July 24-25, and August 7-8, 2004.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

**Refund – Zoning Variance, Klotz property; Building Permit, Lewis Custom Homes; Building Permit, Edwards property**

The Town Clerk submitted recommendations from the Codes Department relative to several refunds; thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 228 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct refunds of permit fees paid by the following property owners:

<b><u>Name/Location</u></b>	<b><u>Amount</u></b>	<b><u>Reason for Refund</u></b>
Timothy and Helen Klotz 1701 Sherman Drive	\$ 60.00	Zoning Board of Appeals variance determined to be unnecessary
Lewis Custom Homes Lot #11 Oxford Heights	\$300.00	Two lots were combined on one Building Permit
Joan Edward 24 Oxford Road	\$ 10.00	Building project too costly and cancelled

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Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

**Raffle Consent – St. George’s Orthodox Church**

Upon the recommendation of Town Clerk Gail Wolanin Young, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 229 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to the St. George Antiochian Orthodox Christian Church, 1104 Brinkerhoff Avenue, Utica, NY 13501, 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, New Hartford, NY, 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 then declared unanimously carried and duly adopted.

**Liquor License Application Waiver**

Prior to the Town Board meeting, the Town Clerk had presented a Liquor License Application waiver for a new restaurant. Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Woodland:

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**(RESOLUTION NO. 230 OF 2004)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby grant the request of 99 West, Inc. and does hereby waive the thirty (30) day Liquor License notice requirement to 99 West, Inc., 8665 Clinton Street, New Hartford, said restaurant to be located in The Orchard shopping mall.

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 then declared unanimously carried and duly adopted.

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILMAN BACKMAN:**

**Agenda items**

- Sessions Road
  - Completion date – Councilman Backman wants a more concrete timetable for this project and will communicate with the Highway Superintendent on this matter
  - Wilcox property/natural spring – the Town was allowed use of this property at no charge in order to re-align Sessions Road provided, however, that the spring-fed pond not be disturbed. The home on this property has no more water and there's a big pile of dirt dumped at the spring's location. After some discussion, the matter was deferred until the July 21, 2004 Town Board meeting by which time the Town may have more information on the cause of the dry up of the pond as well as costs to rectify the situation.
- Re-assessment Time Line – The Assessment Committee met and has tentative timeline for putting out revaluation. The Committee would like to invite the top four (4) appraisers from the State to see what they can do and get a feel if or what they can offer the Town. Councilman Waszkiewicz understands the Citizens for Tax Reform will submit names for a citizens committee before the July 21, 2004 Town Board. Attorney for the Town Rossi questioned whether the Town could ask the four (4) companies to submit how they will go about the re-evaluation.

**REPORTS OF TOWN OFFICIALS (CONT'D)**

**TELECOMMUNICATOR SUPERVISOR:**

**Insurance Recovery – Lightning/Dispatch Center**

Telecommunicator Supervisor Jeffrey Madden explained that last Thursday's lightning strikes substantially damaged phone lines, equipment and property within the Jerome K. Madden Justice Building. Transmitters were knocked out with the New Hartford Fire Department. A report was filed with the Town Clerk's Office who has notified the Town's insurance agent.

**TOWN POLICE CHIEF:**

**Agreement – Anti-Drug Grant**

Upon recommendation of the Police Chief, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 231 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute the Metro Grant wherein the Town Police Department will join area law enforcement agencies in combating street level drug activity.

After other municipalities have executed this agreement, the Police Chief will file a fully completed Agreement in the Town Clerk's Office. 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 Supervisor declared the Resolution unanimously carried and duly adopted.

**Tibbitts Road Traffic Study**

Police Chief Philo will review the results of the Tibbitts Road Traffic study with Councilman Backman. The Police Chief also answered Councilman Backman's question regarding the number of automobiles that travel Tibbitts Road within a twenty-four (24) hour period.

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**Appointment – Full-time Police Officer**

Upon the recommendation of Police Chief Philo, Councilman Waszkiewicz presented the following Resolution for Adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 232 OF 2003)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby promote Matthew Sica from Part-Time Police Officer to Full-Time Police Officer at an annual salary of \$36,405.44, payable bi-weekly; said appointment to become effective July 25, 2004.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**MATTERS SUBMITTED BY COUNCILMEN (CONT'D)**

**COUNCILMAN BACKMAN (CONT'D):**

**Agenda items**

- **Town Budget Time Line** - The Town Board is awaiting submission of names for persons to serve on a budget review committee.
- **New Water District Resolution of DeBlois and Giotto claimed private systems**  
Councilman Backman reported that a property owner asked “why his property was included in the Higby Road Water District when he is already in the Heron Landing Water District?” Vince Rossi, Attorney for the Town had talked with Burley & Guminiak with this same question but they did not have an answer. Heron Landing was included to boost the water pressure and Don Weimer of Mohawk Valley Water Authority says Heron Landing properties will benefit greatly for fire protection purposes and new water tank. It was recommended that a meeting with Councilman Backman and Highway Superintendent to find answers.
- **Assessor Status Report tax roll after grievance process** - Of 1,332 grievances filed on assessments, 398 property owners had their assessments changed and about 117 agreements were signed with stipulations.

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- Adequate Facilities for Assessor and revaluation collector - Other decisions need to be made before the Request For Proposal (revaluation) is ready to bid, such as more office space and whether to lease, move to other town locations, or buy.
- Abelove property, 3385 Oneida Street - Attorney Rossi conveyed that Mr. Abelove has paid his fines and is in the process of removing some vehicles. Codes reported that four (4) or five (5) vehicles a day were being removed and Mr. Abelove would be applying for a building permit for renovations. Councilman Backman says this is unacceptable because if Mr. Abelove continues to deceive the community by not removing all the vehicles he should be served with a Show Cause Order and let him defend himself in Court. This matter will be discussed in Executive Session.
- Willowvale Fire Company new firehouse - Construction of the new firehouse will begin shortly.
- Web Site Update – Assessor Data - Councilman Backman pushed for the assessment roll to be posted on the Town’s Web Site; although some of the figures may not be accurate, he would still like the assessed values posted as well as the property owners’ names, street address, and Tax Map ID number. Webmaster James Lawrence asked the Town Board to give him in writing what fields they would like posted, together with the Assessor’s statement that the figures are accurate as of a specific date.
- Board of Assessment Review Process - The Assessor Committee will work on a new process of providing mailing labels so the Board of Assessment Review members do not have to handwrite addresses in the future.
- Kellogg Road, TOPS – Left-turn traffic study recommendation and action - This discussion was deferred until the July 21, 2004 Town Board meeting when the Highway Superintendent will be back from vacation.
- Mandated vs. quality of life (taxpayer cost chart) - Councilman Backman would like to identify and post on the Web site budgeted items that are mandated versus those that are quality of life items; he has asked the Bookkeeper to begin working on this.
- Adoption of Personnel Requisition Form - Councilman Backman asked for Town Board consensus that Town residents will be interviewed for full-time positions even though their qualifications may not be sufficient. Each Board member also reviewed a new Personnel Requisition form to be used by Department Heads seeking Board appointment of a new employee.

Upon recommendation of Councilman Backman, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

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**(RESOLUTION NO. 233 OF 2004)**

**WHEREAS**, the Town Board is desirous of ensuring that all procedures, i.e., Civil Service, local Personnel Department and the Town Payroll Office, have been met before the Board is asked to appoint an employee;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby adopt a new form, entitled Personnel Requisition, attached hereto as Schedule “A”, to be utilized by Department Heads who are asking Town Board appointment of an employee; this form and procedure is effective immediately.

Upon roll call, the Town Board voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**COUNCILMAN WOODLAND:**

Without the Highway Superintendent present, Councilman Woodland deferred his items until the July 21, 2004 Town Board meeting.

**COUNCILMAN WASZKIEWICZ:**

**Agenda Items**

- Reconfirm approval to send spreadsheets for Inter-Town comparison by Department – the Town Board gave consensus.
- Handout to Volunteer Board participants – a list of what’s expected from volunteers will be helpful with their work.
- Letter to State Legislators – adopt “Save our Home” legislation, capping assessment changes similar to either Florida or Massachusetts’ laws – still working on verbiage.
- Letter to State Legislators to change exemptions to percentage of assessments instead off fixed dollar figure – still working on verbiage.
- Installation of High Speed Internet connection for Parks Department – see Page 9 of these minutes for discussion



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- Coordinate a Community Information Outreach including a Speakers Bureau, press releases and public handouts - Would like to make sure that the entire budget process and information is being shared with citizens' committee and Villages; take a proactive approach. Councilman Waszkiewicz would like the Town Board's consensus to have the opportunity for the Town Board members and Department Heads to speak at civic organizations.
- Deadline for Comprehensive Plan Update – Consensus that Supervisor asks Planner to move this date up.
- Connect Old Campion Road to new Campion Road – Councilman Waszkiewicz sought the Town Board's interest in connecting the Village of New Hartford (Campion Road, near the New Hartford Shopping Center) to the Village of New York Mills (Old Campion Road, near Niagara Mohawk/National Grid).

### ATTORNEY FOR THE TOWN:

#### Agenda items:

- Haider Drainage Matter - Attorney Rossi said that a trench has been dug in the vicinity of the Haider-Denaro properties, off Higby Road but is not sure if this fixed the problem; he will continue to speak with Dr. Haider about this problem. Senior Engineering Technician John Meagher took photos and the situation has improved considerably. There appears to be some relief from stagnant water. Dr. Denaro is not sure the matter has been resolved; but will notify Attorney Rossi if not.
- Water Town Option (Higby Road) – the Mohawk Valley Water Authority (MVWA) said the Town can exercise the option for the water tank but needs to identify the three (3) acres involved; action was deferred until the Highway Superintendent returns from vacation. Attorney Rossi will review the revised contract.

### 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 Butler:

#### **(RESOLUTION NO. 234 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. 31	\$ 2,761.74
General Fund Whole-Town Abstract No. 32	\$143,427.59
General Whole-Town (Police) Abstract No. 33	\$ 17,432.68
General Fund Whole-Town Abstract No. 34	\$ 10,376.42
General Fund Part-Town Abstract No. 18	\$ 21,202.00*
Sewer Fund Abstract No. 13	\$ 1,763.00
Sewer Fund Abstract No. 14	\$ 1,164.31
Sewer Fund Abstract No. 15	\$ 6,389.29
Drainage Fund Abstract No.2	\$ 10,878.44
Bleachery Fund No.2	\$ 40,285.63
Bleachery Fund No.3	\$ 1,187.71
<b>TOTAL:</b>	<b>\$256,866.81</b>

\*with the exception of the Registrar voucher for mileage reimbursement. Thereafter, the Town Board voted upon roll call 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.

**Franchise – Surety Bond/Cable Television**

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

**(RESOLUTION NO. 235 OF 2004)**

**RESOLVED** that, after review by Attorney Rossi of the Five Thousand Dollar (\$5,000) Surety Bond submitted by **ADELPHIA**, the Town Board of the Town of New Hartford does hereby authorize and direct Supervisor Humphreys to sign said Bond that relates to the Franchise Cable Television Agreement between both parties.

The Town Board voted upon roll call as follows:

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

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Supervisor Humphreys - Aye.

This Resolution was declared unanimously carried and duly adopted.

**Submission of Requests For Proposal (RFP's) and Bids - Location**

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

**(RESOLUTION NO. 236 OF 2004)**

**RESOLVED** that, effective immediately, all future projects requiring the submission of competitive bids and/or Requests For Proposal for any and all Town Departments shall be delivered to and opened in the Town Clerk's Office, Butler Memorial Hall, New Hartford, New York.

The Town Board voted upon roll call 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.

**Acquisition of a Pole Barn (Continued from Page 7)**

Supervisor Humphreys discussed with Attorney Rossi what to do if poles are broken off while it is being disassembled; could a clause be put in the contract to hold the contractor responsible for disassembling this building and re-assembling; for example if poles are set in concrete and cannot be removed or removed wholly and the contractor finds it is not feasible, can the Town back out of the contract or would we be liable. Attorney Rossi will work on drawing up the wording of this agreement. The Town Board would like the cost to reassemble as well as disassemble the pole barn. Upon recommendation of Supervisor Humphreys, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

**(RESOLUTION NO. 237 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize the expenditure of not-to-exceed Forty-five Thousand Dollars (\$45,000) to disassemble, transport and

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reconstruct a pole barn being donated to the Town by the new owner of the former Agway property on Kellogg Road.

The Town Board voted upon roll call 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.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 238 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss certiorari proceedings brought against the Town, the proposed acquisition of property, potential lawsuit against a property owner, and a matter that, if disclosed, would identify a law enforcement officer.

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 11:04 P.M. Attorney Rossi remained for the Executive Session.

[NOTE: The following transcript was provided by the Town Supervisor on July 8, 2004.]

**END OF EXECUTIVE SESSION**

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

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**(RESOLUTION NO. 239 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.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion of Councilman Waszkiewicz, seconded by Councilman Woodland, the meeting adjourned at 11:55 P.M.

**Respectfully submitted,**

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

**Nancy E. Kneller**  
**Deputy Town Clerk II**