

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT THE KELLOGG ROAD COMMUNITY CENTER  
BUILDING ON WEDNESDAY, AUGUST 18, 2004 AT 7:05 P.M.**

The Town Supervisor called the meeting to order at 7:05 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:** Deputy Town Clerk I Margaret M. Jones and Deputy  
Town Clerk II Nancy E. Kneller  
Dispatch Supervisor Jeffrey Madden  
Highway Superintendent Roger A. Cleveland

**OTHERS:** Attorney Vincent J. Rossi, Jr. (Arrived at 8:05 P.M.)

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who is recuperating from surgery, Deputies Jones and Kneller were present to record the proceedings.

**MINUTES**

**June 16, 2004 Regular Town Board minutes**

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

**(RESOLUTION NO. 264 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 16, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	ABSTAINED, hadn't read
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.

**July 7, 2004 Regular Town Board minutes**

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

**(RESOLUTION NO. 265 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 **July 7, 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.

**July 27, 2004 Special Town Board minutes**

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

**(RESOLUTION NO. 266 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 **July 27, 2004** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSTAINED was not present at this meeting
Councilman Backman	-	Aye
Councilman Woodland	-	ABSTAINED was excused from this meeting
Supervisor Humphreys	-	Aye.

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The Resolution was declared unanimously carried and duly adopted.

### PRESENTATIONS

#### CONSTITUENT CONCERNS:

Jerome F. Donovan of 14 Silver Birch Court, New Hartford had several matters he wished to discuss.

- **Curbside Brush Collection & Curbside Garbage, Rubbish & Refuse Collection Programs** - Mr. Donovan feels that this program is a wonderful service, but is poorly administered due to lack of enforcement on the part of the Board and he wanted to know what action the Board plans on taking to correct the abuses, which make the town's highways unsightly and are disruptive to the traffic flow. The Board has discussed the possibility of a "trash cop" and Mr. Donovan feels that this could be an answer to the problem. The position could be part-time and be self-supporting with appropriate fees being levied against persistent offenders.
- **Commercial Lawn Services** - Mr. Donovan would like to see the Town adopt a Local Law prohibiting commercial lawn service workers from working in residential areas on Sundays, Holidays and after 6:00 P.M. in the evening. This is a quality of life issue. Another issue Mr. Donovan has is better enforcement of the Curbside Brush Collections ordinance as it relates to these commercial contractors; especially when grass clippings, tree branches, etc. are dumped on the street.
- **Chapman Road** - What is the status of this matter? There has not been an update in probably six (6) months. Has there been any communication on the status of this project.
- **Senior Adult Dining & Activity Center** - Mr. Donovan wanted to know what the utilization of the program in the Town is, such as the direct expense to the Town and the impact on the town tax rate.
- **Sitirin Healthcare Center** - A request has been made by the Sitirin Home for tax-exempt status. What is the "public benefit" of this status for the Sitirin Home? Mr. Donovan is concerned with the fact that citizens do not have to have any access to the services provided by the health care facility in order to be able to rent/buy one of these units, but someone can rent/buy a unit and move into the complex and not have to pay taxes – in some cases the monthly rent is more than Two Thousand Dollars (\$2,000). The real property owners in New Hartford should not have to subsidize this project. Mr. Donovan is concerned about the tax burden shifting and pushing more real property taxes on the middle class. Keep PILOT (Payment In Lieu Of Taxes) on the table. The Sitirin Home should foot their share of the bill. If people need to use the services provided by the health care facility then it would be o.k.; otherwise, no.

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- **Proposed Stop Signs in South Woods** - Regarding the proposed Local Law for stop signs in his subdivision, Mr. Donovan asked that the Board share with the residents the data, including accident history, citations and resident complaints for each of the intersections slated for stop signs. Councilman Waszkiewicz explained that it was his opinion that Police Chief Philo cited that the Department of Transportation standard for safety is one reason why stop signs were needed in some areas of this subdivision. Why weren't intersections in Woodberry and Imperial on the list for stop signs, Mr. Donovan inquired?

In response to Mr. Donovan's questions, Councilman Butler asked if other communities had a law on their books regarding commercial lawn services from working on Sundays, Holidays and after 6:00 P.M. Mr. Donovan stated that he did not have the law, but was sure that the Association of Towns might have information on this matter. Regarding the stop sign issue, the Highway Superintendent asked Mr. Donovan if he would prefer to have the Town put "Yield Signs" up at the intersections. Mr. Donovan felt that this would be redundant.

### **CONSTITUENT CONCERNS – TAX-EXEMPT STATUS REQUEST BY SITRIN HEALTHCARE CENTER**

Nicholas Konowich, 2063 Tilden Avenue, New Hartford stated that Dr. Shaheen wanted to sell land to the Sitrin Home years ago for expansion and the Town, at that time, told him no, but Mr. Romano donates land to the Home and the Town now says yes to the Home. Mr. Konowich does not understand this reasoning. Regarding this development, he questioned widening the road. Planning Board member Jerome Donovan explained that Phase One has been approved, but no approval has been given as of yet for road widening. Councilman Backman stated that the State of New York wants to change the way nursing homes are to operate, but he does have a problem with the tax-exempt status.

Russell Cerminaro, 1911 Tilden Avenue, New Hartford stated that the land was donated. Councilman Waszkiewicz stated that Romano donated part of the land and that the Sitrin Home purchased land from Dr. Shaheen. Mr. Cerminaro did not understand how the land, which was taxable, now can be tax exempt. Councilman Backman explained that the State has the right to allow this to happen. Mr. Cerminaro feels that the Sitrin Home should pay taxes. Councilman Butler explained that the current facility would be used for offices and a rehabilitation center. Councilman Backman stated that he has a problem when able-bodied persons can live at this facility and not pay taxes. The OCIDA can approve or deny this no matter what the Town decides to do.

Sam Berardino, 206 Bittern Court, New Hartford felt there is a tax crisis in the Town of New Hartford, claiming New Hartford has the highest tax liability in New York. Councilman Waszkiewicz stated this is not true, that Rome pays Forty-Nine Dollars

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(\$49) per Thousand. The problem the town is wrestling with is with “change of use” as per Councilman Waszkiewicz.

Mr. Cerminaro asked why the residents weren’t informed of a public hearing regarding this matter. Planning Board Member Jerome Donovan explained that there was a public hearing held and that notice was published in the Observer Dispatch and he explained what the Planning Board based its actions on regarding approval for Phase One of this matter.

### **CONSTITUENT CONCERN – EMERGENCY DISPATCH CENTER**

*Joseph Nesci, 9356 Cosmo Court*, Sauquoit had questions regarding the letter he had received from Councilman Waszkiewicz on the Town’s Emergency Dispatch Center. Telecommunicator Supervisor Jeffrey Madden came forward to explain to Mr. Nesci the breakdown of the operational figures for the Dispatch Center. There are always two (2) dispatchers on duty at all times; one dispatcher to handle the Police calls and the other dispatcher handles the fire calls. If one dispatcher becomes busy then the other one assists him/her.

### **PRESWICK GLEN – SITRIN HEALTHCARE CENTER**

*Flora Leona, 5 Augusta Drive*, New Hartford stated that she has received invitations to go to a luncheon presented by Preswick Glen and she was upset that once you pay to become a resident at this development then you are expected to pay an additional Two Thousand Dollars (\$2,000) a month for rental. Is this non-profit? Mrs. Leona feels that the Sitrin Home will be offering the same type of housing.

## **REPORTS OF TOWN OFFICIALS**

### **HIGHWAY SUPERINTENDENT:**

#### **Ice and Snow Agreement**

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

#### **(RESOLUTION NO. 267 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Dennis S. Davis, Deputy Commissioner, Oneida County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on County Roads for the Snow Season dating from November 1, 2004 through April 30, 2005, and as more fully set forth in an Agreement to be filed in the New Hartford Town Clerk’s Office.

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The foregoing Resolution was duly put to vote upon roll call, which resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Pre-Development Agreement & Memorandum of Understanding – Faxton-St. Luke’s Healthcare, St. Luke’s Campus**

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

**(RESOLUTION NO. 268 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Pre-Development Agreement between the Town of New Hartford and Faxton – St. Luke’s Health Care, 1656 Champlin Avenue, New Hartford, New York wherein said Faxton – St. Luke’s Health Care would contribute, as per the conditions of said Pre-Development Agreement, the total sum of Four Thousand Five Hundred Fifty-Four Dollars (\$4,554) as same relates to consolidating acute care at the St. Luke’s Campus and converting the Faxton Campus to an outpatient facility, necessitating significant renovations at the St. Luke’s Campus that include a 5,000 square foot expansion adjacent to the existing emergency department to include a new ambulance entrance; a 2,200 square foot expansion of the surgical suite; and approximately 4,000 square feet addition on the second floor of the main hospital building, all within the Burrstone Road/French Road/Champlin Avenue Corridor Generic Environmental Impact Study boundary area; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to execute the Memorandum of Understanding relative to this project.

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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The Resolution was declared unanimously carried and duly adopted.

**Pre-Development Agreement & Memorandum of Understanding – Bikes & Boards**

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

**(RESOLUTION NO. 269 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Pre-Development Agreement between the Town of New Hartford and Bikes & Boards, 1135 Commercial Drive, New Hartford, New York wherein said Bikes & Boards would contribute, as per the conditions of said Pre-Development Agreement, the total sum of Three Hundred Fifty Dollars (\$350) as same relates to the construction of a seven hundred (700) square foot cold storage building to replace an existing storage trailer on said premises, within the Commercial Drive/Seneca Turnpike Corridor Generic Environmental Impact Study boundary area; and be it

**FURTHER RESOLVED** that the Town Board does hereby authorize and direct the Town Supervisor to execute the Memorandum of Understanding regarding this project.

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.

The Resolution was declared unanimously carried and duly adopted.

**Training School**

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

**(RESOLUTION NO. 270 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 the Highway Superintendent Roger Cleveland and Deputy Highway Superintendent Anthony DeCuffa to attend an earth stabilization training school on October 26, 2004 in Syracuse, New York, with expenses to be borne by said Town as budgeted.

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.

**Competitive Bids - Surplus Vehicle Sale**

The Highway Superintendent reviewed the sole bid received August 16, 2004 from Andrew Duchnycz, Jr. who offered to purchase two (2) surplus Ford Crown Victoria vehicles, as follows:

1997 Ford Crown Victoria	\$ 950.00
2000 Ford Crown Victoria	<u>1,050.00</u>
<i>Total</i>	<i>\$2,000.00</i>

The Board members discussed the bids and Councilman Backman felt the bid for the 1997 Ford Crown Victoria was as close in price as the Town could expect to get, but for the 2000 Ford Crown Victoria the price was too low. Supervisor Humphreys suggested that the Board accept the bid for the 1997 vehicle and said he had spoken with someone today who had offered Fifteen Hundred Dollars (\$1500) for the 2000 vehicle. Thereafter, Councilman Waskiewicz presented the following Resolution for adoption, seconded by Councilman Backman:

**(RESOLUTION NO. 271 OF 2004)**

**WHEREAS**, the Town of New Hartford had received sealed bids for the sale of surplus vehicles, i.e., one (1) 1997 and one (1) 2000 Ford Crown Victoria, former police vehicles, on August 16, 2004; and

**WHEREAS**, Andrew Duchnycz, Jr. submitted the sole bid in the amount of Nine Hundred Fifty Dollars (\$950) for the 1997 Ford Crown Victoria;

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**NOW, THEREFORE, BE IT RESOLVED**, that the New Hartford Town Board does hereby accept the sole bid received from Mr. Duchnycz for his purchase of one (1) 1997 Ford Crown Victoria, VIN 2FALP71W4VX183681, in the amount of Nine Hundred Fifty Dollars (\$950). In accordance with the Notice of Surplus Sale, Mr. Duchnycz shall pay for and take possession of said vehicle within one (1) week from being notified by the Town of his successful bid.

Upon roll call, the Town Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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

**(RESOLUTION NO. 272 OF 2004)**

**WHEREAS**, the Town of New Hartford had received sealed bids for the sale of surplus vehicles, i.e., one (1) 1997 and one (1) 2000 Ford Crown Victoria, former police vehicles, on August 16, 2004; and

**WHEREAS**, Andrew Duchnycz, Jr. submitted the sole bid in the amount of One Thousand Fifty Dollars (\$1,050) for the 2004 Ford Crown Victoria, an amount not acceptable by the New Hartford Town Board; and

**WHEREAS**, the Town Supervisor has received an offer to purchase this vehicle for the amount of Fifteen Hundred Dollars (\$1500);

**NOW, THEREFORE, BE IT RESOLVED**, that the said Town Board does hereby reject the purchase offer submitted by Andrew Duchnycz, Jr. in the amount of One Thousand Fifty Dollars (\$1,050) and does hereby authorize the Town Supervisor to accept the purchase offer of Fifteen Hundred Dollars (\$1500) from James Dutcher, Morrisville, New York, for the 2000 Ford Crown Victoria, VIN 2FAFP71W7YX175642.

Upon roll call, the Town Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Stormwater Drainage Issues - Jubilee Estates**

There are issues with water run-off from the Jubilee Estates development, off Oxford Road. The July 1<sup>st</sup> rainstorm resulted in water overflowing Oxford Road, flowing down into the Oxford Towne development and into residents' yards. As a result, the Highway Superintendent contacted a local consultant to do research on this matter. The consultant reported that there is little if any capacity in the roadside drainage on Oxford Road, a county highway. The Highway Superintendent reported that he met with Shoemaker Engineers last Thursday and there is some off-site and on-site drainage that needs to be completed. An estimated cost for the services would be Fifty-nine Hundred Dollars (\$5900) and the Highway Superintendent proposed that the Town Board continue to pursue this matter for the benefit of the Town residents. Councilman Backman asked if there is a drainage district in this area; if so, he feels that the district should pay for this improvement rather than all the taxpayers. Councilman Backman made a motion that the Town conducts the study with the costs to be borne by the Jubilee Estates drainage district. Councilman Waszkiewicz seconded the motion. Further discussion was held as to whether this matter was thoroughly discussed with the Planning Board at the time of development. Planning Board Chairman N. Joseph Yagey explained that this matter was reviewed and questioned during the site plan review process. Councilman Waszkiewicz asked if the engineer should be held responsible. The Highway Superintendent stated that this could be another avenue to explore. Councilman Waszkiewicz believes that the engineer's exposure should be explored putting the expense upon the district. Councilman Waszkiewicz suggested the motion be tabled until the Town Board has further clarification regarding who is responsible for the cost of this study. Again, Councilman Backman stated the Town Board should protect the residents not the district. Attorney Rossi would like to defer any questions until he has a chance to further explore this matter. At this point, Councilman Backman withdrew his motion and Councilman Waszkiewicz withdrew his second to the motion. Attorney Rossi believes that the Town Board should have the study but need to investigate if the developer, drainage district or engineer should pay for any and all contributing with no funds coming from the Town. Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 273 OF 2004)**

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**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize continuation of the Jubilee Estate drainage study at the cost of Fifty Nine Hundred Dollars (\$5900) **contingent upon the developer, the drainage district or the engineer paying for any and all costs with no funds coming from the Town of New Hartford.**

Upon roll call, the Town Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Building Permits – Jubilee Estates**

The Town Supervisor informed the Board that he has received a letter requesting that three (3) building permits be issued for Jubilee Estates. The area for these building permits does not affect the drainage problem. The Town Supervisor feels that the people who want to build should not be penalized because of the developer's problem. Councilman Backman feels that whatever the Town does now, the Developer would be the "big fish on the hook". Councilman Waszkiewicz moved to table this.

**Competitive Bids - Sidewalk Construction**

The Highway Superintendent gave a summary of the two (2) bids received for sidewalk construction. Edgebrook Construction incorrectly totaled their alternate bid which should have read Six Thousand Five Hundred Ninety-eight Dollars and Ninety-five Cents (\$6,598.95) instead of Four Thousand Seven Hundred Seventy-two Dollars and Ninety-five Cents (\$4,772.95). The Highway Superintendent asked that the Board authorize a Notice of Intent to award the contract and ask for bonds and insurance. The Town Supervisor stated that he would like to see the cost of a sidewalk program in the town be fifty-fifty (50/50). The Town has less than ten (10%) percent of sidewalk area and the Supervisor feels that those residents that do not have sidewalks should not have to pay to keep them in repair. The City of Utica has a policy where the property owners pay part of the expense on maintenance of sidewalks. In some of the areas, there is a question as to whether the Town had installed the sidewalks or if the developer installed the sidewalks. Councilman Waskiewicz feels that the integrity of the Board would be questioned if the Town decides to now have the residents pay for some of the sidewalk installation and/or repair since the residents have been told the Town would be doing the installation and repairs on Arlington, Grandview and in the Hamlet of Chadwicks. Councilman Backman feels that there should be a sidewalk program, but agrees with Councilman Waszkiewicz. How do you tell residents that you have changed your mind?

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At this point, Councilman Butler second the Resolution presented by Councilman Waszkiewicz. Further discussion was held regarding whether the Town Board was obligated to do one hundred percent (100%) of the alternative bid. A consensus was met that this would be the last whole-town bid for sidewalk rehabilitation with the Town providing full contribution. Councilman Waszkiewicz stated that he would like to sponsor a motion to create a sidewalk policy that would include a fifty-fifty (50/50) split of the expenses involved. Attorney Rossi stated that the Town could create sidewalk districts. At this point the Board members stated that the Town should do what the Town had originally planned to do. Upon the recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Butler:

**(RESOLUTION NO. 274 OF 2004)**

**WHEREAS**, the Town of New Hartford received bids on August 13, 2004 for Sidewalk Construction and Repairs on Oneida Street, Arlington Terrace and Grandview Avenue;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of New Hartford does hereby authorize and direct the Highway Superintendent to issue a Notice of Intent to Award the contract to Edgebrook Construction Company, 8 Scharback Drive, Marcy, New York and request the successful bidder to submit the required bonds and insurance documents.

Upon roll call, the Town Board members voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 275 OF 2004)**

**WHEREAS**, in the past, the Town of New Hartford has offered construction of and repair of sidewalks within the Town with the full cost of said construction and/or repairs borne solely by the Town; and

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**WHEREAS**, upon review of this policy, it has been determined that perhaps the Town residents that are benefiting from this construction and/or repair of sidewalks should be responsible for some of the expenses that are incurred;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does authorize Councilman Waszkiewicz to research policy for review and determination as to what would be best for the Town of New Hartford regarding the establishment of a sidewalk district(s).

The foregoing Resolution was duly put to a vote upon roll call, which resulted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Road Construction & Building Permits – Applewood Community**

The Highway Superintendent told the Board that the developer has come to a mitigation agreement to put in an additional one and one-half inch (1 ½”) of binder and one (1”) inch of topcoat on the roads and the developer is requesting that the Town Board allow Building Permits to be issued for this mobile home development. Attorney Rossi stated that the Town needs to change the amount of security required. Councilman Waszkiewicz stated that the amount of additional security needs to be quantified. Councilman Backman has no problem with the issuance of permits as long as the Town has a letter of credit or cash. The Town will need a statement as to the additional cost for the binder and topcoat. Upon recommendation of the Highway Superintendent, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 276 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby grant permission to the Town Codes Enforcement Office to issue Building Permits for the Applewood Community mobile home development, contingent upon the developer first submitting a written statement as to the costs involved for the additional work required on the development roadway(s) and that Developer John Barkett, Jr. also presents the Town of New Hartford with a “Letter of Credit” or cash.

Upon roll call, the Town Board members, voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Competitive Bids – Bituminous Concrete Paving of Roads**

Upon recommendation of the Highway Superintendent, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 277 OF 2004)**

**WHEREAS**, at the July 7, 2004 Town Board meeting, in the absence of the Highway Superintendent who was on vacation, Deputy Highway Superintendent DeCuffa presented Highway Superintendent Cleveland's recommendation to accept the low bid for the Bituminous Concrete Paving project to the low bidder, Jana-Rock Construction, Inc.; and

**WHEREAS**, Attorney Rossi had reviewed documents and also recommended award to the low bidder, Jana-Rock Construction, Inc.; and

**WHEREAS**, the Town Board adopted Resolution No. 222, dated July 7, 2004, awarding the contract for the Bituminous Concrete Paving project to said Jana-Rock;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to issue a Letter of Intent to award the Bituminous Concrete Paving Contract to Jana-Rock Construction, Inc., P.O. Box 658, Cazenovia, New York 13035 contingent upon receipt of approval from Attorney Rossi.

Upon roll call, the Town Board members, voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

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**Amend the Code, Chapter 113[VEHICLES AND TRAFFIC] – Stop Signs for South Woods development**

The Highway Superintendent has talked with the Public Works Committee regarding proposed legislation to designate through and stop streets in South Woods and the Committee has suggested that he talk to more residents in this subdivision regarding this proposal. The Highway Superintendent explained that the portion of the law as it refers to Whitetail Meadows should remain as it is the appropriate time to place stop signs in this development. Councilman Backman made a motion that the Local Law Introductory be introduced for the Whitetail Meadows excluding South Woods. After further discussion, the Town Board decided to readdress this Local Law at the September 1, 2004 Town Board meeting. Councilman Backman withdrew his motion.

**Higby Road Water District – Archeological Study**

A Contract has been received from Pratt and Pratt to do a Phase I Cultural Resource Survey (archeological study) at a cost of Ten Thousand Dollars (\$10,000). Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

**(RESOLUTION NO. 278 OF 2004)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to execute the Phase I Cultural Resource Survey (archeological study) with ***Pratt and Pratt***, at a time-and-materials basis not to exceed Ten Thousand Dollars (\$10,000).

Upon roll call, the Town Board Members, voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Claim for Payment - Tri-State Laundry**

The Town Supervisor asked the Highway Superintendent if he had any recommendations regarding this invoice. The Town Supervisor tried to settle this matter by making a Five Hundred Dollar (\$500) offer. Tri-State would not settle for this amount, but did offer to cut the interest in half. The original invoice was for Seventeen Hundred Dollars (\$1700) with eighteen percent (18%) interest per Attorney Rossi who suggested that the Town sue this matter in Small Claims Court. It is a question of how much time and money does the

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Town want to invest in this matter. The Board asked Attorney Rossi what the law is on the amount of interest that can be charged. The Attorney stated nine (9%) percent is the legal interest rate. If Tri-State wants to sue the Town, Tri-State would have to do so in Oneida County since the Town is a municipality. The Town Supervisor will ask the Bookkeeper to retrieve some old bills to see what they were. The suggestion of Attorney Rossi is that the Town try and make the best deal they can to settle this matter.

**Hazard Mitigation Grants – Starch Factory Creek Tributary**

The Town Supervisor presented a Letter of Intent received from the New York State Emergency Management Office for the storm damage and two (2) Resolutions need to be passed and sent to Joanne Faulkner regarding Hazard Grant Program and Stabilization Project. Upon the recommendation of the Town Supervisor, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 279 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby agree to sponsor the proposed Emergency Watershed Protection project located north of the Pleasant Street bridge (aka Hilton stream bank stabilization project). The Town’s sponsorship involves pledging a twenty-five percent (25%) match for the federal funds provided. The matching amount can be provided in cash and/or in-kind service. The Town’s sponsorship of this project is contingent upon receiving cash and in-kind contributions from the affected landowner.

Upon roll call, the Town Board Members, voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

The following Resolution was offered for adoption by Supervisor Humphreys and seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 280 OF 2004)**

**RESOLVED** that, the New Hartford Town Board does hereby agree to sponsor the proposed Hazard Mitigation Grant Program project located north of the Pleasant Street bridge (aka Hilton stream bank stabilization project). The Town’s sponsorship involves

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pledging a twenty-five percent (25%) match for the state funds provided. The matching amount can be provided in cash and/or in-kind service. The Town's sponsorship of this project is contingent upon receiving cash and in-kind contributions from the affected landowner.

Upon roll call, the Town Board members, voted as follows:

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

The Resolution was declared unanimously carried and duly adopted.

**Vehicular Parking – Golf Avenue**

Police Chief Raymond Philo has counted up to as many as nine (9) vehicles parking on Golf Avenue next to the Wedgwood Apartment complex. The Highway Superintendent has also received parking complaints and has been referring them to the Police Department. The shoulders of the road are not wide enough to allow for this parking. The Highway Superintendent will contact the Police Chief regarding this matter when the Chief returns from vacation.

**New Subdivision across from Jubilee Estates**

Attorney Rossi informed the Town Board that a new subdivision will be built across from Jubilee Estates and Attorney Rossi does not want to see the same problem with flooding occurring from this subdivision as is happening with Jubilee Estates. Planning Board member Jerome Donovan stated that the Planning Board is well aware of the drainage problem and will take a serious look at the project.

**White Pine Road Drainage Matter – Dr. Haider/Dr. Denaro**

Senior Engineering Technician John Meagher looked at the property and stated that everything looked fine and doesn't know how that much water could have accumulated as per Attorney Rossi. Technician Meagher should send a letter to Attorney Rossi documenting what he saw. Attorney Rossi stated that if Technician Meagher had pictures that would be helpful. The Highway Superintendent will have Mr. Meagher e-mail Attorney Rossi regarding the Haider/Denaro problem.

**Private Water District Systems – Higby Road Water District**

Councilman Backman inquired as to the residents that have private water systems and are included in the Higby Road Water District. Attorney Rossi stated that Burley-Guminiak was to make a recommendation. The Town should have the property owners put their

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information in writing. Attorney Rossi is not sure if Giotto has turned their system over to the Mohawk Valley Water Authority.

**Wilcox Water Problem, Sessions Road**

Councilman Backman stated that when the Town approached Dr. Wilcox about straightening the bend in Sessions Road by his property, Dr. Wilcox was agreeable asking [and showing the location] only that the Town Highway Department should not pile any dirt in the vicinity of a spring, as it might affect the spring that supplies water to his house. When the road was rerouted, Dr. Wilcox's water supply to the house was affected because dirt was piled on the area of his property that contains the spring. The proposal for a new pump, new tank and everything except connecting the pipeline to the house would be Four Thousand Dollars (\$4,000). The question to be answered is (a) wait for the Higby Road Water District or (b) connect the well. Councilman Backman is not so sure that the Wilcox property is included in the water district; he will check this and get back to the Board. A discussion was held whether to offer Dr. Wilcox Thirty-Three Hundred Dollars (\$3300) and not do improvements and wait to connect to the water system or to offer Thirty-Three Hundred Dollars (\$3300) plus excavation to correct the water problem. Councilman Backman would like to offer that the Town dig the line and hook everything up or give Dr. Wilcox a payment of Thirty-Three Hundred Dollars which is what it would cost a contractor to connect the well. Councilman Backman will contact Dr. Wilcox and report back to the Town Board.

**TOWN CLERK:**

**Amend Code, Chapter 56 [DOGS AND PETS] – Pooper Scooper Regulations**

Copies of legislation proposed by Parks and Recreation Director Michael Jeffery requiring dog owners to clean up feces had been distributed to the Town Board on August 16, 2004, patterned after the Village of Lake Placid law. The Town Supervisor would like to have included in this Local Law an additional requirement that the dog owner must have the necessary equipment, i.e., plastic bags and scoopers or be in violation of the law. This matter could be discussed at the Public Hearing. Attorney Rossi stated that the proposed changes should also be included in the Public Hearing notice. Discussion continued as to whether the Local Law should be confined to the Parks or if the Board would like to make this a town-wide law. Councilman Backman is in favor for making this a park law. Thereafter, the Town Supervisor introduced the following legislation for the Town Board's consideration at a future meeting; seconded by Councilman Backman:

**TOWN OF NEW HARTFORD, NEW YORK  
LOCAL LAW INTRODUCTORY NO. "A" OF 2004**

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A Local Law to amend the Code of the Town of New Hartford, **Chapter 56** thereof entitled **DOGS AND PETS**, by establishing Pooper Scooper Regulations as either a town-wide law OR to apply to all town park facilities, including all Parks, Recreation Center and Sanger Public Works/Highway Garage fields.

**BE IT ENACTED** by the Town Board of the Town of New Hartford as follows:

**SECTION 1.** Chapter 56 of the Code of the Town of New Hartford, Section 56-1, is hereby amended by adding the following new section:

Section 56-1.2. Pooper Scooper Regulations; dogs

- A. It shall be the duty of each dog owner or person having possession, custody or control of a dog to remove any feces left by his/her dog on any sidewalk, gutter, road, field, playground, building, or any other public area.
- B. Such dog owner or person shall, while walking their dog(s), shall have in their possession the appropriate equipment to remove such feces.
- C. The Pooper Scooper Regulations shall not apply to a guide dog, hearing dog, or service dog accompanying any person with a disability as defined in Subdivision 21 of Section 292 of the Executive Law of the State of New York.
- D. The Pooper Scooper Regulations shall be construed and operated in the same manner as Section 1310 of the Public Health Law of the State of New York.
- E. The Town Board reserves the right and shall have the authority to promulgate and adopt rules and regulations to carry out the intent and purposes of the Pooper Scooper Regulations. Said rules and regulations may supplement, modify and/or amend the express provisions hereof.

**SECTION 2.** All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**SECTION 3.** Invalidation of any of the provisions hereof shall not invalidate any of the other provisions hereof.

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**SECTION 4.** This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Public Hearing – Local Law Introductory No. “A” of 2004 [Pooper Scooper Regulations]**

Thereafter, Supervisor Humphreys offered the following Resolution for adoption, seconded by Councilman Backman:

**(RESOLUTION NO. 281 OF 2004)**

**RESOLVED** that the Town Board of the Town of New Hartford shall conduct a Public Hearing on Wednesday, September 15, 2004 at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, in the Kellogg Road Community Center in said Town to consider **Local Law Introductory No. “A” of 2004** which, if adopted, would amend the Code, Chapter 56 thereof entitled **DOGS AND PETS**, obligating dog owners to remove feces left by their dog and/or; obligating such owners while walking their dog to also have in their possession the appropriate equipment to remove such feces; imposing either or both of such obligations only within the Town Parks and playing fields or extending either or both of such obligations to other or all areas within the Town; and be it

**FURTHER RESOLVED** that the Town Board does authorize and direct the Town Clerk to publish the legal requisite Notice of Public Hearing in The Observer Dispatch.

A roll call vote ensued:

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

The Supervisor declared the Resolution unanimously carried and duly adopted. [\*Amended on 9-1-04 to remove the word “unanimously” since one Board member voted against the matter.]

**Records Management Budget Revision**

The Town Clerk’s request for a budget revision to upgrade two computer workstations to ensure security for Vital Statistics documents had been forwarded to the Town Board earlier in the week. Thereafter, Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Butler:

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**(RESOLUTION NO. 282 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to make the following budget revisions for fiscal year 2004 to fund the upgrade of the operating systems of two (2) computer workstations in the Town Clerk's Office, thereby ensuring security measures particularly for Vital Statistics records:

Increase Account	A1460.2 Records Management Equipment	\$2500.00
Decrease Account	A1460.4 Records Management Contractual	\$2500.00.

The Board members 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.

**Training - Active Files Management Grant Workshop**

Upon request of the Town Clerk, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 283 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; and

**WHEREAS**, the Town of New Hartford has been awarded an Active Records Files Management Grant for the period July 1, 2004 and ending June 30, 2005 and for which training is essential for involved parties;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Town Clerk-Records Management Officer Gail Wolanin Young, and any other staff member from other Town departments, to attend the files management workshop sponsored by the New York State Archives on Wednesday, September 8, 2004 in Syracuse, New York, with any incidental expenses to be borne by said Town as budgeted.

A roll call vote was duly held and resulted as follows:

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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.

### *Petition for Mandatory Referendum – Elected Assessor*

Gregory P. Gorea filed with the Town Clerk's Office today a petition signed by eight hundred twenty-six (826) residents requesting that a proposition be on the ballot at the November 2, 2004 General Election to change the Assessor's position from appointed to elected. Attorney Rossi will check on the legalities of this Petition and will report to the Town Board.

## MATTERS SUBMITTED BY ATTORNEY

### *Higby Road Water District*

Attorney Rossi reported that, upon the Town Clerk's filing of some information with Bond Counsel, they will forward a Bond Resolution to be adopted. Deputy Town Clerk I will check with the Town Clerk to see if the information has been sent to Bond Counsel.

### *Assessment Certioraris - Pugh and Carucci*

Attorney Rossi wanted input from the Board as to whether he should settle this Assessment Certiorari. It was the Board's consensus that Attorney Rossi should settle this matter.

### *Property Maintenance & Zoning Violations – Ablove, 3385 Oneida Street*

Councilman Backman stated that he has seen slow and steady progress being taken in removal of the cars from this property but there are still approximately thirty (30) cars that need to be removed. Attorney Rossi will give Mr. Ablove a deadline of September 30, 2004 to have all the cars removed or the Town will take further action.

## MATTERS SUBMITTED BY COUNCILMEN

### COUNCILMAN BACKMAN:

#### *Agenda items*

- *Town-wide questionnaire to address codes complaints, noise, light pollution* – People call about quality of life issues. There is a light pollution issue in Councilman Backman's ward and he would like to do a questionnaire; discussion ensued on how to reach the largest audience. A questionnaire can be placed on the website and be configured so that the questions can only be answered once.

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Councilman Waszkiewicz suggested that a neighborhood meeting be held. Attorney Rossi suggested that an e-mail with questions be sent to the Councilmen who can then add to the questions to be posted on the website. There was a general consensus of the Board that Councilman Backman constructs this questionnaire and e-mail it to the rest of the Board members for their input.

### **COUNCILMAN WASZKIEWICZ:**

#### **Agenda items**

- *911 Financing* – Was late in sending the letter to Mr. Nesci and apologized to him for this oversight.
- *Update Citizens Assessment Procedures Review Committee/Citizens Budget Review Committee* – The Assessor Standing Committee will meet on August 25, 2004 at 8:00 A.M. in Butler Memorial Hall.
- *DOT Highway improvement of the Route 8/Route 12 Interchange* - Rescheduled
- *Oneida-Herkimer Counties Empire Zone Board Update* – The only parcel in New Hartford affected is approximately one-half (1/2) of an acre in The Orchards which does not meet zone qualifications.
- *Update on Tax Reduction Initiative, i.e., Re-engineering the delivery of services* – Met with the Board of Realtors today and expressed an interest in a Steering Committee. A request will be made to make a small financial donation to this matter. Councilman Waszkiewicz has met with two (2) judges and they are interested in this matter.
- *Status Inter-town comparison* - Sent letter to Supervisors of Towns including a spreadsheet so that cumulative findings can be compared. Councilman Waszkiewicz has asked that our department heads complete the spreadsheet as well.
- *Updating employee handbook and/or job description regarding salaried personnel* – Do we have closure on this matter? No, as per the Highway Superintendent. This matter is to be discussed in Executive Session.
- *Registering of Contractors* – Councilman Waszkiewicz would like to see that Contractors working within the Town be registered with the Town. Councilman Backman has no problem with this goal but does have a problem with the method to be used. Attorney Rossi is going to check with the Town of Colonie and DeWitt to see how they deal with the problem. There was a consensus that the Town should pursue this matter.

### **MATTERS SUBMITTED BY TOWN SUPERVISOR**

#### **FINANCIAL AND OTHER ROUTINE REPORTS:**

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**Audit of Vouchers**

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

**(RESOLUTION NO. 284 OF 2004)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 41	\$ 43,922.23
General Fund Whole-Town Police Abstract No. 42	\$ 23,088.23
General Fund Part-Town Abstract No. 21	\$ 241.57
Highway Fund Part-Town Abstract No. 17	\$ 17,583.65
Sewer Fund Abstract No. 18	\$ 1,512.86
Street Light Fund Abstract No. 9	\$ 6,319.31
Drainage Abstract No. 8	\$ 9,065.05
Bleachery Avenue Bridge Abstract No. 4	\$ 488.25
<b>TOTAL:</b>	<b>\$102,221.15</b>

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.

**Training – Computer Course**

The Town Supervisor on behalf of the Personnel Assistant Barbara Aiello presented a list of employees who would like to attend a one-day Microsoft Workshop at a cost of Fifty-Nine Dollars (\$59) per-person should less than five (5) people attend, or a cost of Fifty-Four Dollars (\$54) per-person should five (5) or more people attend the Workshop. After discussion was held on whether the employees should contribute Ten Dollars (\$10) each toward the expense of the class, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

**(RESOLUTION NO. 285 OF 2004)**

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**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; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of New Hartford does hereby grant permission for Barbara Aiello, Carol Ryan, Ann Rose, Donna Fanelli, Mary Bowee, Amy Topor, Michele Moran, Maureen Owens, Patricia Vasco, Janet Halpin, Candy Currier, Kurt Schwenzfeier and Dory Shaw to attend a Microsoft Workshop on October 14, 2004, at the Radisson Hotel, Utica, New York, with expenses to be borne by said Town as budgeted.

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

**Acquisition of Pole Barn (former AGWAY)**

The Supervisor reported that the trusses contained on the pole barn being removed from the Washington Mills property do not meet requirements. The Contractor has spent two (2) days tearing out lumber on this barn so that it can be reconstructed. The new property owner would like the Town to issue him a second demolition permit at no cost in exchange for the two (2) days he has spent working on the Washington Mills building. First, the Owner will need to get an asbestos certification to the town. Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz.

**(RESOLUTION NO. 286 OF 2004)**

**WHEREAS**, Gerald McConnell, owner of the former Kellogg Road AGWAY property, has been in the process of dismantling a pole barn at the rear of the property, for relocation to the Sanger Public Works Garage to be used for cold storage needs; and

**WHEREAS**, it has been discovered that the trusses on the pole barn do not meet Code requirements as per S. R. Sloan, Inc. and therefore, the Town of New Hartford will be unable to use this pole barn;

**NOW, THEREFORE, BE IT RESOLVED** that, upon receipt of an asbestos certification from Mr. McConnell, the New Hartford Town Board, will waive the permit

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fee for a second demolition permit to be issued to Gerald McConnell in exchange for the two (2) days he has worked on dismantling the pole barn.

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

**Sale of Public Property – 2003 Ford Crown Victoria**

The Town Supervisor reported that Dutchers Auto Parts, Morrisville, NY will pay the Town of New Hartford Twelve Hundred Dollars (\$1200) for the 2003 Crown Victoria VIN 2FAFP71W73X118267, which was totaled in an accident. The Insurance Company will make up the difference between what Dutcher pays the Town for the automobile and the deductible amount of Thirteen Hundred Ninety-Seven Dollars (\$1397).

**Giotto Assessment Certiorari**

The Attorney for the Giottos has requested that he be allowed to address the Board regarding this Certiorari; Attorney Rossi advised against this. Councilman Backman feels that the Board should hear what he has to say. After a discussion on the pros and cons of allowing this to happen, the Board decided that Attorney Rossi should go back to the Giottos with a new proposal.

**School Crossing Guards**

The Town of New Hartford was not successful in their judgment regarding the school crossing guards in that their wages be paid by the Village of New Hartford. Councilman Butler feels that the Board should abide by what Judge Julian ruled. Attorney Rossi would like to go forward on this matter and will do so on a contingency basis as he believes the Town can win this case. Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 287 OF 2004)**

**WHEREAS**, the Town of New Hartford did pursue a case in Supreme Court against the Village of New Hartford whereby the Village of New Hartford should pay the wages of School Crossing Guards; and

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**WHEREAS**, the Supreme Court did present a judgment that the crossing guards should continue to be paid for by the Town of New Hartford;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford has decided not to pursue the Supreme Court Judgment on this matter.

The Resolution was voted upon by roll call as follows:

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

The Resolution was declared carried and duly adopted

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 288 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss matters involving the compensation of two (2) particular employees.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
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 Deputy Clerk Jones, were then excused from the meeting at 11:55 P.M. [Deputy Kneller had been excused from the meeting at 11:00 P.M.] The Highway Superintendent remained for this part of the meeting.

**END OF EXECUTIVE SESSION**

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

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**(RESOLUTION NO. 289 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 12:40 A.M. on Thursday, August 19, 2004. 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 12:41 A.M. on Thursday, August 19, 2004.

**Respectfully submitted,**

**Margaret M. Jones**  
**Deputy Town Clerk I**