

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL IN THE VILLAGE OF NEW
HARTFORD ON WEDNESDAY, MARCH 2, 2005 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: Deputy Town Clerk I Margaret M. Jones and Deputy
Town Clerk II Nancy E. Kneller
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael Jeffery
Senior Engineering Technician John Meagher

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 7:50 P.M.)

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

MINUTES APPROVAL

February 16, 2005 Town Board Meeting

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

(RESOLUTION NO. 57 OF 2005)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *February 16, 2005* 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 Woodland	-	Aye

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

REPORTS OF TOWN OFFICIALS

PARKS AND RECREATION DIRECTOR:

Authorization for Competitive Bid – Donovan Park “Splash” Pad

Upon recommendation of Parks and Recreation Director Michael Jeffery, Councilman Backman introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 58 OF 2005)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase and installation of one (1) “Splash” Pad to be installed at the Donovan Memorial Park, in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Tuesday, March 29, 2005 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

FURTHER RESOLVED that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

Money is budgeted for this project. Councilman Waszkiewicz asked if the Parks and Recreation Director intended to proceed with the proposed outdoor skating rink, and he replied not at this time, explaining that if the Town is only able to fund one of the projects, the priority is the splash pad. Thereafter, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**.

Animal Adoption Fundraiser – Sherrillbrook Park

Upon presentation by the Parks and Recreation Director, the following Resolution was introduced by Councilman Waszkiewicz and seconded by Councilman Woodland:

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(RESOLUTION NO. 59 OF 2005)

WHEREAS, Spring Care Farm of Route 12, Clinton, New York is interested in hosting a one-day Animal Adoption Fair on May 22, 2005 in the Sherrillbrook Park; and

WHEREAS, this fundraiser to be used for animal care will be operated from 9:00 A.M. to 3:00 P.M. and supervised by an employee of the Spring Care Farm;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby grant permission to Spring Care Farm to conduct an Animal Adoption Fair in the Sherrillbrook Park, Birch and Spruce Pavilions on May 22, 2005 at the aforesaid time, for a Facility Use Fee of One Hundred Fifty Dollars (\$150) to cover the Town's expense of additional staff required for this event, contingent upon the Town's receiving an amended Certificate of Insurance.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**.

HIGHWAY SUPERINTENDENT:

Registration of Lawn Care Contractors

Highway Superintendent Cleveland and his Advisory Committee proposed the registration of lawn care contractors with the town, not for interfering with their business, but – in a proactive measure – that the Town might identify quickly and efficiently any violators of the Town's Curbside Collection Program, and secondly, to be able to personally deliver to the contractors at the time of registration a copy of the Program rules and regulations. This is not a procedure to penalize contractors but rather an educational tool. Councilman Backman believes the Town over regulates and he opposed the registration of contractors. Councilman Butler believes the Town can educate contractors as well as residents about the regulations and this would help eliminate some of the problems the Town has. It was suggested that a Curbside Collection Program flyer be sent to the lawn care contractors. Councilman Butler then offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 60 OF 2005)

WHEREAS, it has come to the attention of the Highway Department (Department) that there are numerous landscape/ lawn care contractors working in the Town, placing greenwaste and leaf material at curbside for the Department to pick up as part of it's curbside greenwaste collection program, and

WHEREAS, each year the Department distributes an informational flyer to all developed residential properties in the Town, outside the Villages, said flyer establishing dates for when material can be placed curbside for collection, and providing other guidance as to quantity, and physical dimension of material to be collected, and

WHEREAS, the Department desires the ability to have information that identifies the landscape/ lawn care contractors are working in the Town, where they are working and to have the opportunity to educate those contractors on the rules and regulations of the greenwaste collection program.

THEREFORE BE IT RESOLVED, that to better educate private landscape/ lawn care contractors in the rules and regulations of the Town's greenwaste collection program, and to make more efficient the identification of private landscape/ lawn care contractors in the occurrence of violations of the greenwaste collection program, the Department should know the contractors that are working in the Town and what properties they are contracted with, and

RESOLVED, that to that end, the Town Board does hereby require that prior to May 1, 2005, all landscape lawn care contractors, who, in the normal course of business place green waste material at curbside for collection by the Highway Department, register with the Highway Department, providing the official name, or DBA of their firm, a contact telephone number, and a currant list of the street address of which they are contracted with, and

RESOLVED, that at the time the contractors register, they shall be given a copy of the current year's Trash Flyer that details the rules and regulations of the Town's greenwaste program, and

RESOLVED, that at the end of the 2005 calendar year the Town will evaluate the results of this registration program as a precursor to a decision to continue, modify or delete this requirement.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz - Aye

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

The Resolution was declared carried and duly **ADOPTED**.

Video-Audio Cameras for Highway Vehicles

Councilman Butler asked to amend Resolution No. 49, adopted February 16, 2005, to immediately order the equipment even though it is his understanding that this equipment cannot be paid from the Contingency Fund until the Highway Department's Equipment Line item Budget is exhausted and that the Town Board revisit this matter at a later date. Attorney Rossi stated that there probably should be two (2) contingency line items in the budget --- one contingency line item would be for the whole town and one for part-town. Councilman Butler suggested the Town Supervisor contact the Association of Towns for guidance on setting up this second contingency line item and what options are available. Supervisor Humphreys stated that ordering the cameras is fine as long as these cameras do not become a high maintenance item. Other companies use them, to cover blind spots. Thereafter, Councilman Butler presented the following Resolution to be adopted, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 61 OF 2005)

WHEREAS, at the February 16, 2005 Town Board meeting Resolution No. 49 was adopted authorizing the purchase of six (6) rearview video cameras for the Highway Department from the Contingency Account; and

WHEREAS, it is the understanding of the Town Board that this purchase cannot be made from the Contingency Account until all funds from the Highway Equipment line item have been exhausted;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does authorize the purchase of six (6) rearview video/audio cameras, at a cost not to exceed Three Thousand Dollars (\$3,000), to be placed in six (6) Highway vehicles to be paid from the Highway Equipment line item.

Upon roll call, the Board members voted as follows:

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

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Supervisor Humphreys - Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

SENIOR ENGINEERING TECHNICIAN:

Stormwater Study Proposal – Kellogg, Oxford, Tibbitts Road area

Senior Engineering Technician John Meagher met with Oneida County to discuss a stormwater study on Oxford, Tibbitts, and Kellogg Roads, county highways. Kurt Nichols from Shumaker Consulting Engineering & Land Surveying was present to discuss a stormwater study of this area that has had a watershed problem for a long time. A lengthy discussion was held and a review of the map was made regarding storm management of this area. The County has stated that it would contribute for the culverts but no money would be contributed for the study, which is estimated at Thirty-one Thousand Dollars (\$31,000). Mr. Nichols and Technician Meagher are to get clarification on some matters and will report at the April 2005 Town Board meeting.

TOWN CLERK:

Oneida County Association of Towns Dinner Meeting

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

(RESOLUTION NO. 62 OF 2005)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize any Town Board member or Department Head to attend the Oneida County Association of Towns Dinner Meeting on March 15, 2005, at the American Legion Post 1376, 8616 Clinton Street, New Hartford with expenses to be borne by the Town as budgeted.

Upon roll call, the Board members voted as follows:

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

The Resolution was declared unanimously carried and duly **ADOPTED**.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

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Agenda Items:

- *Cedarbrook Project – Charles Sitrin Healthcare/Tax-exempt Status Report*
Councilman Backman will have the first meeting in April. Attorney Rossi has spoken with the Sitrin Healthcare facility lawyer and even though nothing has been put in writing they will adhere to the guidelines. Supervisor Humphreys urged the Town Board to make a decision on the Tax-exempt status for the Cedarbrook Project. The form that Assessor Smith asked them to fill out has been completed. Councilman Backman recommends that all the information be reviewed. Councilman Waszkiewicz mentioned the Sitrin facility and their lawyer came to the Town Board and made representation that seemed to vary after Town made a decision. Attorney Rossi feels OCIDA is the way to go and that the Town Board should put together a checklist of five (5) critical items and then have a face-to-face meeting with the Sitrin Home. After more discussion the Town Board concurred that perhaps the OCIDA should make this decision.
- *Final Draft of Quality of Life Survey* - Nathaniel Richmond spoke about the completion of the Quality of Life Survey and was receptive of the Department Heads input. The Town Board agreed to keep this survey to one (1) page front to back and mailing this out with the Parks & Recreation flyers. Mr. Richmond will send a final copy to Councilman Backman for review.

REPORT OF SPECIAL COMMITTEE

New Hartford Community Foundation:

Nathaniel Richmond reported that the New Hartford Community Foundation is a 501 C3 functioning group with nine (9) non-compensated Board members; the by-laws have been established. Mr. Richmond apprised Town Department Heads that this Foundation can assist them if they have identified grants they want to pursue. Although one person on board is a grant writer, they do not want to volunteer as a grant writer. If grants are funded, then 501C3 will administer grant. It was mentioned that Victor Fariello is a member of this committee and could perhaps do grant writing.

REPORTS OF COUNCILMEN AND ATTORNEY (CONT'D)

COUNCILMAN WASZKIEWICZ:

Agenda items:

- *Annexation of New York Mills* – Councilman Waszkiewicz has contacted the main property (owner) on the corner of Henderson and Commercial Drive; they have indicated their willingness to proceed. Councilman Waszkiewicz will get the appropriate petition from the Attorney Rossi. There are seventeen (17) parcels and two (2) property owners. Village and Town need some documents to get ready to start process. Councilman Waszkiewicz to get delineation of property to

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- Attorney Rossi. This will not be acted on until full Board is present, Councilman Waszkiewicz assured the Supervisor.
- Town Questionnaire – Councilman Waszkiewicz had sent a request to all Department Heads, asking their response to Nathaniel Richmond by February 23, 2005. Parks Department mailing will go out in April; enclosures should be finalized by mid-March 2005.
- Property Assessments listed on the Town's official Web Site – Timeline for up loading to the Town's Web site.
- Green Waste and Tree Pick-up - Awaiting recommendation from Public Works Committee.
- Improve existing Town Offices – Administrative office layout paid by Butler Memorial Hall Trust is now available; still waiting for Hummel's reports and price quote.
- Subdivision Regulations – Parks Master Plan Trail System – Recreation areas green space – recommend again that the Planning Board review and communicate their recommendations. Attorney Rossi is waiting to hear from Highway Superintendent on this.
- Sample noise ordinance & Nuisance Abatement Legislation – the sub-committee has not met at the time of agenda submission. Committee to meet third week in March.
- Letter to NYS Department of Transportation, requesting review for NO TURN ON RED and improvement to pedestrian crossings at Henderson Street and on Commercial Drive – NYS DOT has received the Town's request and will respond by the March 16, 2005 Town Board meeting.
- Mohawk Valley Water Authority – officially request MVWA to use the unused holding ponds in the Southern Reservoir system (Valley View Road) for stormwater management detention basins – Upon approval of Town Board, Councilman Waszkiewicz will draft a Resolution. Will e-mail to everyone and bring hard copy for the March 16, 2005 Town Board meeting.
- High School Sports Recognition – Councilman Waszkiewicz will send letter to congratulate the girls Volleyball, NYS Regional Championship Class D Section III finals and boys Basketball Section III Class D Championship from New York Mills High School.
- Report update from HBMA, PLLC (Donald Bataille) – Asking for itemized breakdown of operating cost. Councilman Waszkiewicz will not approve payment of Mr. Bataille's invoice; should it be included in the vouchers being presented for payment approval.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

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Audit of Vouchers

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

(RESOLUTION NO. 63 OF 2005)

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, with the exception of a voucher for services rendered by HBMA, PLLC which may be included in these abstracts, that have been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 6 Vouchers AA362	\$ 1,160.00
General Fund Whole-Town Abstract No. 7 Vouchers AA363-368	\$ 4,060.76
General Fund Whole-Town Abstract No. 8 Vouchers AA369-414	\$ 87,667.74
General Fund Whole-Town Police Abstract No. 8A Vouchers AA415-426	\$ 22,889.93
General Fund Part-Town Abstract No. 6 Voucher BB34	\$ 692.00
General Fund Part-Town Abstract No. 7 Vouchers BB35-37	\$ 2,177.89
Highway Fund Part-Town Abstract No. 6 Voucher DB111-123	\$ 55,588.10
Sewer Fund Abstract No. 4 Voucher SS16-20	\$ 4,061.60
Higby Road Water Tank Abstract No. 3 Voucher HF 3	<u>\$ 17,177.78</u>
TOTAL:	\$195,475.80

Upon roll call, the Board members voted as follows:

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

This Resolution was declared carried and duly **ADOPTED**.

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County Sales Tax

Councilman Waszkiewicz reported there would be a meeting on March 10, 2005 with mayors/supervisors at Griffiss Business Park to fund a cumulative study on county sales tax. Erie County did not pass their county sales tax increase. Towns are being forced to pick up plowing costs on county roads. The burden is placed on smaller municipalities to cover this service. Councilman Waszkiewicz will come back to the Town Board with information from this meeting.

Police Line Item – 2005 Budget/Town and County Tax Bill

Supervisor Humphreys distributed an explanation of the Police Line Item on the 2005 Town and County tax bill. This will be discussed at future meeting.

Road Dedication - Applewood Community

Attorney Rossi has met with Highway Superintendent Cleveland and Attorney Maya regarding road dedication for Applewood Community; the maps have to be improved and core samples need to be taken to ensure the roads have been constructed in accordance with Town specifications.

Code Book (Chapter 118, Zoning Law) – Town's Website

Through the efforts of the Town Clerk-Records Management Officer during the latter part of 2003, the Town's Code Book had been linked to the Town's Website. Webmaster James Lawrence confirmed that he'd worked with Town Clerk Gail Wolanin Young and General Code Publishers to achieve this. Because the Zoning Law is included in the Code Book, the Town Board directed that the Town Clerk not order any further copies of the Zoning Law and that persons be directed to the Town's Website.

Lighting regulations – Code Book (Chapter 118), Zoning Law

The Town Clerk had been contacted by Lincoln Morrison as to the reason why the lighting regulations had been omitted from the Zoning Law when it was revised in 1999. Codes Enforcement Officer Gerald Back reported that from 1996-1998 he worked with then-Planner Jane Brouillette and Saratoga Associates in rewriting the Zoning Law; his notes reflect that the lighting regulations were omitted because they were unenforceable and very subjective; and since the Town did not have any issues or complaints regarding lighting, the consultants recommended that the lighting regulations be omitted.

Utica Transit Authority (UTA) Merger - CNYTRA

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

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(RESOLUTION NO. 64 OF 2005)

RESOLVED that the New Hartford Town Board does hereby accept and approve the Public Transit CNYTRA Inter-municipal Agreement, with all addenda and basis attached thereto, and does hereby authorize and direct the Town Supervisor to execute said Agreement in behalf of the Town.

Upon roll call, the Board members voted as follows:

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

This Resolution was declared unanimously carried and duly **ADOPTED**.

EXECUTIVE SESSION

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

(RESOLUTION NO. 65 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of two (2) particular employees and to discuss the Ablove tax certiorari.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Woodland	-	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 Clerks, were then excused from the meeting at 10:03 P.M.

{NOTE: The Town Supervisor provided the following on Thursday, March 3, 2005.}

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END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 66 OF 2005)

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 10:43 P.M. The regular portion of the Town Board meeting was immediately reconvened.

Police Line Item on 2005 Tax Levy

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

(RESOLUTION NO. 67 OF 2005)

RESOLVED that the members of the Town Board of the Town of New Hartford do hereby approve the "Explanation Of Police Line Item On 2005 Tax Levy", which was prepared by Police Chief Raymond L. Philo and will be sent out with the flyer being mailed to residents from the Parks Department.

The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

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Letter to State Comptroller – Reporting Pay Compensation

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

(RESOLUTION NO. 68 OF 2005)

RESOLVED that New Hartford Town Board does hereby move to send a letter to the Office of the State Comptroller seeking an Opinion regarding the proper method of determining a police chief's annual salary; and

BE IT FURTHER RESOLVED that the Town Board also recommends that the letter to the Office of the State Comptroller should include the supporting documents provided by Police Chief Raymond Philo.

The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Woodland, the meeting was adjourned at 10:48 P.M.

Respectfully submitted,

Nancy E. Kneller
Deputy Town Clerk II

Margaret M. Jones
Deputy Town Clerk I