

**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 16, 2005 AT 7:00 P.M.**

In the absence of the Town Supervisor who was on vacation, Deputy Supervisor Backman 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:**

Deputy Town Supervisor/Councilman Donald C. Backman  
Councilman John C. Waszkiewicz III  
Councilman David W. Butler  
Councilman Richard B. Woodland, Jr.

**ABSENT:** Supervisor Ralph B. Humphreys

**OTHER TOWN OFFICIALS:**

Deputy Town Clerk I Margaret M. Jones  
Highway Superintendent Roger A. Cleveland  
Police Chief Raymond Philo (Arrived at 8:00 P.M.)

**OTHERS:** Attorney Vincent Rossi, Jr. (Arrived at 7:10 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 Town Clerk Jones was present to record the proceedings.

**MINUTES APPROVAL**

**March 2, 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 Butler:

**(RESOLUTION NO. 69 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 *March 2, 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 Backman	-	Aye

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Councilman Woodland	-	Aye
Supervisor Humphreys	-	ABSENT.

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

### **PUBLIC PRESENTATIONS**

#### **Damaged Mailbox - Snowplow**

Marcus Stein, 9405 Chapman Road spoke to the Town Board Members regarding a problem regarding damage to his mailbox caused by a snowplow. Mr. Stein distributed photographs of the damage. Councilman Backman explained that the Highway Department would probably repair the damage. The Board asked Mr. Stein to wait for the arrival of the Highway Superintendent who would address this matter.

Shirley Riggles, 18 Golf Avenue spoke regarding the following:

- **Lighting** – Ms. Riggles wanted an explanation of what the situation was about regarding the lighting problem with Lincoln Morrison. Councilman Backman explained the situation stated that he was going to help Mr. Morrison review that area of the Code Book that contains information regarding lighting situations. Councilman Backman explained that Ms. Riggles could review the Code Book as it is posted on line if she would like to look up this information or if she goes to the Town Clerk's Office, she would be charged a fee for the Clerk's Office to print the necessary information for her.
- **Zoning Board Meeting** – Shirley attended the Zoning Board Meeting regarding the additional six (6) apartments being considered to be built at Wedgewood Apartments. Ms. Riggles was wondering what the members of the Zoning Board were paid and the process for having to go before the Zoning Board. Councilman Backman answered these questions and further stated that there is a strict set of regulations that the Zoning Board Members must adhere to. Councilman Backman further explained that if she disagrees with a decision made by the Zoning Board, she has thirty (30) days to file a lawsuit. Ms. Riggles feels that this addition is going to create a problem and that there is flooding at the end of the street.
- **Assessment** – Ms. Riggles asked when the last time the Wedgewood Apartments were reassessed. She explained that she is still waiting to hear from Assessor Smith on this matter. Councilman Backman explained that commercial properties were reassessed the first year of the assessment program. A long discussion ensued on

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assessments. Shirley Riggles feels that the western part of the Town is being “put upon” and feels that the residents do not have any recourse.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Higby Road Water District**

Before the Highway Superintendent made his presentation to the Board, Attorney Vincent Rossi apprised the Board of a slight problem that could cause a delay regarding the final submittal vis-à-vis the change of date for environmental facility. The Hale property option has a few issues, which need to be worked on. Attorney Rossi would like to discuss the Hale matter in Executive Session.

**SEOR – Negative Declaration – Higby Road Water Project**

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

**(RESOLUTION NO. 70 OF 2005)**

**RESOLUTION DETERMINING THAT THE PROPOSED TOWN OF NEW HARTFORD HIGBY ROAD WATER PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT**

**WHEREAS**, the Town Board of New Hartford is considering a proposal to construct the new water storage tank located on the Hale Site; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, hereafter SEQRA, the Town Board must determine whether such proposal may have a “significant effect on the environment” and therefore require the preparation of an environmental impact statement; and

**WHEREAS**, to aid the Town Board in determining whether the proposal may have a significant impact upon the environment, a full environmental assessment for (EAF) has been prepared, a copy of which was presented and circulated at the Town Board’s February 2, 2005 meeting; and

**WHEREAS**, pursuant to Part 617, the Town Board has examined the EAF in order to make a determination as to the potential environmental significance of the proposal; and

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**WHEREAS**, the New York State Department of Environmental Conservation (hereafter “NYSDEC”) and New York State Department of Health (hereafter “NYSDOH”) and the Town of New Hartford are the involved agencies as that term is defined in 6 (A2) NYCRR Section 617.2(t); and

**WHEREAS**, no further review is required under SEQRA;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of New Hartford as follows:

1. Based on its examination of the EAF, the criteria set forth in Section 617.11 and 617.6 of the regulations, and such further investigation as the Town Board has deemed appropriate, no potential significant adverse impacts are known;
2. Consent to proceed with the project will not cause a significant impact on the environment, and the Town Board will not require the preparation of an environmental impact statement.
3. A negative declaration is to be prepared; and
4. The Town Clerk of the Town of New Hartford is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the clerk shall mail copies, return receipt requested, to:

Office of the Commissioner  
Department of Environmental Conservation  
50 Wolf Road  
Albany, NY 12233

and, Environmental Notice Bulletin  
NYSDEC  
50 Wolf Road, Room 538  
Albany, NY 12233-1750

and, NYSDOH  
Bureau of Public Water Supply  
Flanigan Square  
547 River St., Rm. 400, 4<sup>th</sup> Floor  
Troy, NY 12180-2216

5. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

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Upon roll call, the Board members voted as follows:

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

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

**Full Environmental Assessment Form – Higby Road Water District**

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

**(RESOLUTION NO. 71 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Deputy Town Supervisor to sign the Full Environmental Assessment Form for the proposed Higby Road Water District.

Upon roll call, the Board members voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

**Training School**

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

**(RESOLUTION NO. 72 OF 2005)**

**WHEREAS**, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby grant permission to Deputy Highway Superintendent Anthony DeCuffa to attend the Cornell Local Road Program Conference “Work Zone Traffic

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Control” to be held on April 5, 2005 in Orleans County, and to attend the 60<sup>th</sup> Annual Conference for Highway Superintendents from June 6-8, 2005 at Ithaca College, Ithaca, New York, with expenses for both conferences 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	-	ABSENT.

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

**Agreement – Road Striping**

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

**(RESOLUTION NO. 73 OF 2005)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to execute the 2005 Road Striping Agreement between the Town of New Hartford and the Oneida County Department of Public Works wherein said County will provide road striping within the Town; the cost of which will be determined upon completion of the work.

Upon roll call, the Board members voted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED.**

**Appointment – Cleaner Position**

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

**(RESOLUTION NO. 74 OF 2005)**

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**WHEREAS**, a vacancy exists for a Part-time Cleaner as a result of the dismissal of the former cleaner.

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Christopher Roberts as a permanent Part-Time cleaner and who will also work as a Seasonal Laborer on the summer highway programs at an hourly rate of Eight Dollars (\$8) not to exceed a maximum of forty (40) hours for both positions. This appointment is effective March 16, 2005.

Whereupon, the Town Board voted upon roll call:

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

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

**Solid Waste Management – Registration Form**

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

**(RESOLUTION NO. 75 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to sign the Registration Form to Solid Waste Management for the composting facility.

Councilman Waszkiewicz asked Highway Superintendent Cleveland if this Registration Form would allow the Town of New Hartford to set up our own transfer station. The Highway Superintendent indicated that this item was checked off on the form.

Whereupon, the Town Board voted upon roll call:

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

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

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**TOWN CLERK:**

**Wages - Election Workers**

Upon recommendation of the Town Clerk, Councilman Butler introduced the following Resolution for adoption. and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 76 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby establish the hourly wages for election workers for Fiscal Year 2005, budgeted as line item number A1450.4 as follows:

- Chairmen (17) - \$9.02
- Inspectors (51) - \$7.96
- Clerks (32) - \$6.90.

Upon roll call, the Town Board voted as follows:

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

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

**MATTERS SUBMITTED BY COUNCILMEN**

**COUNCILMAN BACKMAN:**

**Sitrin/Cedarbrook**

Councilman Backman would like to resolve this matter at the April 6, 2005 Town Board meeting. Attorney Rossi stated that he had e-mailed Councilman Waszkiewicz and Councilman Backman regarding some issues he had on this matter. Councilman Backman does not agree with the items on the punch list and he regrets his decision regarding Preswick Glen and does not want to make the same mistake regarding this matter. Councilman Waszkiewicz stated that for him to consider this matter would depend upon the charitable purpose. A long discussion ensued regarding this punch list. Attorney Rossi stated that the Sitrin/Cedarbrook attorney provided an aggressive punch list. Councilman Backman stated that the tax exempt status was initially designed and installed for good works or those in need; nursing homes, medical facilities, etc. It is Councilman Backman's belief that the application for this facility is for high-rent senior



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citizen housing which puts the Town in direct conflict with existing facilities that are paying taxes. Attorney Rossi, Councilman Backman and Councilman Wazkiewicz will have another meeting after which Attorney Rossi will contact the Attorney for Sitrin/Cedarbrook.

**Town-Wide “Quality of Life” Survey**

Councilman Backman reported that the survey is ready to be mailed with the information Parks Department brochure.

**MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

**(RESOLUTION NO. 77 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, which had been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 9 Vouchers AA427-AA484	\$ 14,032.94
General Fund Whole-Town Police Abstract No. 9A Vouchers AA485-AA4497	\$ 6,594.01
General Fund Part-Town Abstract No. 8 Voucher BB38 – BB46	\$ 1,713.35
Highway/Whole-Town Abstract No. 1 Voucher DA1	\$ 1,445.00
Highway Fund Part-Town Abstract No.7 Voucher DB124-DB183	\$ 51,688.96
Sewer Abstract No. 5 Voucher SS21-22	\$ 10,181.65
Fire Districts Abstract No. 2 Voucher SF2-5	\$770,543.00
Higby Road Water Tank Abstract No. 4 Voucher HF 4	\$ 18,051.06
<b>TOTAL:</b>	<b>\$874,249.97</b>

Upon roll call, the Board members voted as follows:

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

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

**Town's Insurance**

Councilman Backman reported that notice has been received from the Town's insurance carrier that various insurance policies are due to expire in June. The information will be given to Supervisor Humphreys.

**Judd Road Lighting**

Councilman Backman reported that Niagara Mohawk has requested a Resolution from the Town Board to energize the lights on Judd Road – SC3 Lighting District. Attorney Rossi will review the information sent from Niagara Mohawk and the matter will be discussed at next month's meeting.

**HBMA, PLLC Invoice – Partlow Building**

An invoice from HBMA has been received for services rendered in the matter of possible consolidation of Town offices at the Campion Road Partlow Building.. Councilman Waszkiewicz will put in writing what services were not completed and then Attorney Rossi will contact HBMA.

**Central New York Regional Transportation Authority**

Attorney Rossi stated that he has the minutes for the Public Hearing on this matter and does not know what to do with them. They were sent to him in the Supervisor's absence. It was the consensus of the Board that these minutes be turned over to the Supervisor upon his return.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 78 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Hale lawsuit.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media and Deputy Town Clerk, were then excused from the meeting at 7:55 P.M.

[NOTE: Deputy Supervisor Backman provided the following information on March 17, 2005. Police Chief Raymond Philo was present at the Executive Meeting arriving at 8:00 P.M.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 79 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	-	ABSENT.

The Deputy Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 8:30 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**Grant – “Buckle Up New York”**

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

**(RESOLUTION NO. 80 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Deputy Town Supervisor to sign the Contract between the Town of New Hartford Police

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Department and the Government Traffic Safety Committee (GTSC) authorizing acceptance of funding from the GTSC specifically for Buckle Up New York for the sum of Two Thousand Five Hundred Sixty-Six Dollars (\$2,566), effective October 1, 2004 through September 30, 2005.

Whereupon, the Town Board voted upon roll call:

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

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

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 8:35 P.M.

**Respectfully submitted,**

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