

**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, APRIL 6, 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:** Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger A. Cleveland  
Parks & Recreation Director Michael Jeffery  
Telecommunicator Supervisor Jeffrey P. Madden  
Town Clerk Gail Wolanin Young, CMC/RMC  
Town Police Chief Raymond Philo

**OTHERS:** Attorney Vincent Rossi, Jr. (Arrived at 8:10 P.M.)

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

**MINUTES APPROVAL**

**March 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 Butler:

**(RESOLUTION NO. 81 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 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
Councilman Backman	-	Aye

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Supervisor Humphreys - ABSTAINED because he did not attend this meeting, having been on vacation.

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

### **PUBLIC PRESENTATIONS**

#### **Wedgewood Apartments - Assessment**

Relative to Ms. Riggles' comments at the March 16, 2005 Town Board meeting concerning the assessment of the Wedgewood Apartments, Herbert Usenheimer of 19 Juniper Lane, New Hartford reported that the apartment complex was last re-assessed in 2000; this information was confirmed by the Town Assessor's Office.

#### **Street Sweeping – Oneida St., Washington Mills**

Michael Duffy, property owner on Oneida Street, Washington Mills, stated that the dust from granular material along Oneida Street, from Kellogg Road along the business section to the Bo-Mar shopping plaza, is unbearable; even though Oneida Street has been swept, dust from the accumulation of winter salt and sand is "kicked up" by the heavy truck traffic. He confirmed that trucks are not dropping debris from their vehicle. The Highway Superintendent will perform an on-site inspection and contact Mr. Duffy.

#### **Tax-exempt Status – Cedarbrook Project and Preswyck Glen**

Mary Chapin, 56 Woodbrooke Road, New Hartford raised questions about granting tax-exempt status for the Preswyck Glen and Cedarbrook projects; she was asked to remain at the meeting because the matter would be discussed when Attorney Rossi joined the meeting.

#### **Traffic Warning Signs – Oxford Heights Development**

Ms. Chapin expressed concern about the narrow roadway and congested area where Oxford Height residents stop to collect their mail and inquired if some type of warning signs could be installed. The Town Board suggested she communicate with the Highway Superintendent in this regard.

#### **Charles Sitrin Healthcare/Cedarbrook Project**

Alluding to Ms. Chapin's comments about housing project tax status, Richard Wilson of the Sitrin Healthcare facility identified that some housing in the Town pay no taxes such as Sunset Wood and Village Point apartments, both of which are in the Village of New Hartford. The Village Board granted a PILOT for the Sunset Wood complex and the Village Point apartments are a HUD-subsidized housing complex.

Councilman Waszkiewicz clarified that the Town Board had entered into a Municipal Services Agreement (MSA) for the Preswyck Glen project wherein Preswyck Glen, Inc. agreed to pay the Taxing Authorities annual amount (50% to the Town, and 25% each

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to the New Hartford Central School District and the County of Oneida); all payments for special districts would be paid in full before any distribution of the balance of the annual payment.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Authorization for Competitive Bid – Phase II Pump Station Upgrade**

Phase II will replace the existing grinder pumps at the Homestead Road pump station with solid handling pumps, and include the installation of a new solids handling force-main from the pump station to an existing man-hole on Homestead Court. Directional drilling will be used whenever possible to avoid open-trench construction. This project is in accordance with the recommendations of the Pump Station Evaluation Survey prepared by Shumaker Engineering and has been included in the 2005 Budget; thereafter, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Backman:

**(RESOLUTION NO. 82 OF 2005)**

**RESOLVED** that the New Hartford Town Board shall receive sealed bids for the Phase II Pump Station Upgrade on Homestead Road, 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 Wednesday, May 11, 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.

The Town Board voted upon roll call 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**.

**Pick-up Truck Competitive Bid – Return Bid Security**

Councilman Butler presented the following Resolution to be adopted, seconded by Councilman Backman:

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**(RESOLUTION NO. 83 OF 2005)**

**WHEREAS**, on January 14, 2005 the Town received one (1) bid for a 2005 Pick-up Truck and subsequently awarded the contract for the purchase of said vehicle to Nye Ford, Inc., 675 Genesee Street, Oneida, New York 13421; and

**WHEREAS**, on March 28, 2005 the Highway Superintendent confirmed by Memo to the Town Clerk that the 2005 Ford F250 Pick-up Truck had been delivered to the Town on January 31, 2005 and meets all Town specifications;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does authorize and direct the Bookkeeper to refund from the Trust and Agency Account the sum of Nine Hundred Ninety-nine Dollars and Ten Cents (\$999.10) to Nye Ford, Inc. and which sum represents the return of their bid security.

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**.

**Intermunicipal Cooperation Agreement for Highway and Publicly Owned Infrastructure Services**

About five (5) years ago, the Town entered into an Intermunicipal Agreement that would primarily provide for coordinated assistance among Highway Departments in Oneida County in the event of a natural disaster, and that would give pre-approved status for Towns, Villages and the County to temporarily assist each other for special, but routine projects. Not all communities signed the agreement and its provisions have yet to be used to deal with a natural disaster, but for those that did [Towns of Paris and Whitestown and the Village of New Hartford], it has been a successful tool over the past five (5) years for exchange of labor and equipment without the need to wait for Town Board approval. The current Agreement expired December 31, 2004 and the Highway Superintendent recommended that the Town Board consider approving a renewal of this Agreement for the years 2005 through 2009. Thereafter, Councilman Waszkiewicz moved the adoption of the following Resolution, seconded by Councilman Butler:

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**(RESOLUTION NO. 84 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an *Intermunicipal Cooperation Agreement for Highway and Publicly Owned Infrastructure Services* for fiscal years 2005 through 2009 for the purpose of providing a means for municipal corporations to achieve savings in highway operations through the sharing of equipment, information and services, and as a vehicle for establishing coordinated inter/intramunicipal service assistance in response to natural disasters by performing or receiving services.

A roll call vote was duly held 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**.

**Pre-Development Agreement & Memorandum of Understanding – Valley Gymnastics**

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

**(RESOLUTION NO. 85 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a “no cost” Pre-Development Agreement between the Town of New Hartford and Valley Gymnastics, 117 Champion Road, New Hartford, New York, to properly reflect that some plans identified in a prior Pre-Development Agreement/MOU had not and will not materialize within the French-Burrstone-Champlin Ave Generic Environmental Impact Study boundary area. Specifically, Valley Gymnastics has applied for an Amendment to their Final Site Plan Approval since due to financial circumstances, only a portion of the site paving was completed and the owners have found it difficult to find tenants who wish to utilize their cold storage building; also, Valley Gymnastics would continue to use the rear twenty (20) feet of this building for storage of the gym equipment and they will improve the front portion of the building to provide a larger area for the karate school, additional bathrooms and for rental office space;

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**NOW, THEREFORE, FURTHER RESOLVED** that the said Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a Memorandum of Understanding pertaining 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.

Whereupon, the Resolution was declared unanimously carried and duly **ADOPTED**.

**Stormwater Management Improvement – Tilden-Higby-Valley View Road Area**

Upon recommendation of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 86 OF 2005)\*Amended May 4, 2005-See Page 8**

**WHEREAS**, all or portions of Tilden Ave., Wadsworth Rd., Wadsworth Lane, South Hills Dr., Westwood Lane, Taber Rd., Taber Ln., Narla Ln., Beckwith Cir., Sylvan Glen Rd, (all within the Town of New Hartford) and Pleasant Street (in the City of Utica) exist in the northeast section of the Town, exist on the same generally northeast/southwest oriented hillside that generally drains northeast towards the City of Utica, are within two adjacent watersheds, and are hereinafter collectively referred to as the Tilden-Higby-Valley View watershed; and

**WHEREAS**, land use within the watershed is a mixture of vacant/open space, and residential development including strip development along the highways and in subdivisions, and within those subdivision developments and roadways being generally oriented perpendicular to the lay of the land; and

**WHEREAS**, within this watershed, roads and roadside drainage systems are owned by the Town of New Hartford, the City of Utica, and the County of Oneida; and

**WHEREAS**, within the watershed, there exists a limited number of drainage easements granted to the Town by developers within this watershed; and

**WHEREAS**, with limited stormwater management facilities, and the limited capacity of the roadside drainage system caused by the incremental increase of impervious surfaces

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resulting from residential home construction, driveways, outbuildings, and the connection of roof leaders and basement drains discharging to the roadside drainage system, property owners within the Tilden-Higby-Valley View watershed have periodically experienced property damage as a result of excessive stormwater runoff resulting from intense rainfall and snowmelt/rainfall events; and

**WHEREAS**, much of the dispersed overland flow, and channelized flow occurs on private property, making the mitigation of said flows either the responsibility of individual homeowners, or, for municipal intervention, necessitating the granting of drainage easements or the creation of drainage districts; and

**WHEREAS**, the Town of New Hartford wishes to create an environment wherein which all existing and future development is reviewed for the following goals:

1. **For existing development:** to take such actions as will ascertain cost effective solutions within developed areas to better manage stormwater runoff, said actions to include, but not be limited to: studies, engineered solutions, installing improvements, review and modification as required of existing and/or the creation of new construction and grading permits, creation of drainage districts as required, application of previously approved bonded monies to study and install stormwater management improvements, and the continued identification of other funding options.
2. **For future development:** to insure best management practices for stormwater management are applied to all new developments; to institute small disturbance area thresholds for implementing best management practices, and to require that the length/area of the stormwater collection and conveyance system downstream of the development that is reviewed for adequacy is at least equal to, if not more than, the length/area of the collection/conveyance system upstream of the development, and to insure that all required improvements are installed as a function of the permit/project approval process.

**THEREFORE, BE IT RESOLVED** that to advance the goals of this Resolution, that the Town:

1. secure an easement from the Regional Water Authority for the use of unused reservoirs at the Southern reservoir site for stormwater management purposes; and
2. expend a sum of \$4,000 to study the downstream impact of a stormwater runoff interceptor ditch running generally parallel to and southwest of

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Wadsworth Rd., said ditch discharging to an existing ravine at the northwest end of Wadsworth Rd., and

3. should the aforementioned study show that one or more interceptor ditches are of benefit to improving stormwater management, that the Town secure an easement for the construction of two (2) stormwater runoff interceptor ditches to be installed on the Salerno property, said ditches intended to provide initial protection for multiple down-elevation property owners, and that the Town expend a not-to-exceed amount of \$2,000 to secure said easement(s); and [**\*this paragraph was deleted from this Resolution on May 4, 2005**]
4. investigate and progress funding options for the construction of the aforesaid interceptor ditches to include, but not be limited to member items, grants, and the establishment of drainage districts; and
5. identify, study and progress efforts to mitigate other stormwater management issues within the Tilden-Higby-Valley View watershed, and

identify other areas of the Town experiencing stormwater management problems, initiate a course of action to study those areas, ascertaining the magnitude of the problem(s), developing engineered solutions, and identifying appropriate mechanisms to fund the improvements.

The Town Clerk polled the Board members who 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**.

**Appointment - Part-time Planning Clerical Position**

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

**(RESOLUTION NO. 87 OF 2005)**

**WHEREAS**, the employment of a Planner in October 2002 and the increased workload in the Engineering Office and the Town Planning Board have placed a burden on the one



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(1) full-time Senior Stenographer; and

**WHEREAS**, the 2005 Annual Budget contains a line item for Part-time Clerical help in the Planning Department;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby create a Part-time Senior Stenographer position, effective April 7, 2005, to assist the Planner, Engineer and Town Planning Board for a not-to-exceed twenty (20) hour workweek that may include some evening hours. Once approved by the Oneida County Personnel Department, this newly created position shall be posted. The beginning hourly wage is hereby established at Nine Dollars (\$9.00), payable bi-weekly.

The foregoing Resolution was voted upon by roll call 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**.

**Sauquoit Creek Basin Committee**

For information purposes only, the Highway Superintendent reported that this Committee would like to authorize an equitable funding study by an outside independent consultant, and each municipality in the Sauquoit Creek Basin area is being asked to contribute Four Hundred Dollars (\$400) toward this study. The Town Board concurred with this plan of action.

**Judd Road Street Light Agreement – Niagara Mohawk**

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

**(RESOLUTION NO. 88 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute Form P and Schedule W, with Niagara Mohawk/National Grid, as same pertains to the SC3 Energy Only lights for the Judd Road Project, previously authorized by Resolution No. 144 adopted April 16, 2003 and amended thereafter by Resolution No. 154 on May 5, 2004; and be it

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**FURTHER RESOLVED** that said Town Board does hereby grant permission to Niagara Mohawk or Lancaster Construction through its contract with the New York State Department of Transportation, as a function of the construction of the Judd Road extension project, to de-energize the street lights on the NYS Route 5/8/12 ramps closest to Chenango Road and that on or about May 1, 2005, that those street lights that are to remain in service on these ramps are to be re-energized and funded through the Town of New Hartford.

The Town Board members then voted upon roll call 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**.

**TELECOMMUNICATOR SUPERVISOR (DISPATCH)**

Telecommunicator Supervisor Jeffrey Madden presented copies of the 2004 Year-end Report for the Emergency Dispatch Center.

**TOWN CLERK:**

**Request for use of Town Voting Machines**

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

**(RESOLUTION NO. 89 2005)**

**RESOLVED** that the New Hartford Town Board does hereby grant the request of the New York Mills Union Free School District for the use of two (2) Town voting machines for their May 17, 2005 School Budget Vote and Board Member Election, contingent upon the transportation and set-up of the machines to be arranged through Town Voting Machine Custodian Michael Jeffery, at no cost to the Town of New Hartford.

A roll call vote ensued:

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

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

**Vacancies – Temporary Board of Assessment Review Members**

Upon presentation of the Town Clerk, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 90 OF 2005)**

**WHEREAS**, on January 19, 2005 the New Hartford Town Board appointed five (5) temporary members to the Board of Assessment Review, all of whom were notified of their appointment and the requirement to take an Oath of Office; and

**WHEREAS**, two (2) of such appointees, namely, William S. Jenkins and Krista Pembroke, failed to take their Oath of Office as prescribed by law, which now leaves these two (2) positions vacant; and

**WHEREAS**, Town Clerk has attempted to contact Mr. Jenkins and Ms. Pembroke, leaving messages on their home telephone answering machines about this matter;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby re-appoint William S. Jenkins and Krista Pembroke as Temporary Members of the Board of Assessment Review, effective April 7, 2005 and for the duration of the 2005 Grievance Day process, if in fact, their services are necessitated when the Grievance applications are tallied.

The Town Board then voted upon roll call:

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

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

**Proposed Relocation of Election Polling Site – Ward 1 District 2 (Chadwicks area)**

The Ward 1 District 2 Election Workers had asked the Town Clerk in November 2004 if the Town Board might consider relocating the Chadwicks polling site from the Donovan Community Center Building to the Willowvale Fire Company firehouse being constructed on Oneida Street. The new firehouse would offer:

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- better lighting and heat for election workers
- spacious work area for election workers and the voters
- adequate off-street parking for voters.

The Town Clerk has forwarded a letter to the Willowvale Fire Company inquiring if that organization would grant permission to the Town for use of their facilities as a polling site for future Primary and General Elections. This matter will be placed on the Agenda for the April 20, 2005 Town Board meeting.

### **Proposed Equalization of Ward 3 Districts 1 and 3**

The Town Clerk had also been contacted by Election Workers in Ward 3 District 1 (New Hartford Oxford Road School) about the inequality of voters between Ward 3 District 1 and Ward 3 District 3 and inquired if the districts could be changed to a more equal number of voters. [NOTE: Ward 3 District 1 has 1,026 enrolled voters while Ward 3 District 3 has only 422.] The Town Clerk believed the Town Board could make the change but will verify this with the Oneida County Board of Elections.

### **Direct deposit - Payroll**

The matter of direct deposit for payroll checks has resurfaced and the Town Clerk inquired whether the Town Board would consider having the Bookkeeper poll Town employees again. A new Federal law that became effective in late October 2004 now allows businesses to have same day access to electronic deposits/payments and this legislation may now reduce the number of days that smaller banks once required to ensure that checks cleared. Board consensus was to have Bookkeeper Fairbrother check into the Federal legislation and to poll the employees once again.

## **MATTERS SUBMITTED BY COUNCILMEN**

### **COUNCILMAN BACKMAN:**

#### **Agenda Items:**

- Information given to Webmaster (Senior Center, Highway, ATC late or not given at all)- Information from department heads to the Webmaster has slowed down or isn't getting to the Webmaster at all. In order to keep the Town's Web site "fresh", all department heads need to continually forward information for posting.
- Cedarbrook Project – Charles Sitrin Healthcare Decision - awaiting arrival of Attorney Rossi at this meeting

### **COUNCILMAN WASZKIEWICZ:**

#### **Agenda items:**

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- Annexation of New York Mills – appropriate petition (boiler plate) from Attorney Rossi
- Town Questionnaire – Councilman Waszkiewicz forwarded a copy of the approved Budget to Nathaniel Richmond so he had the tax rate in writing from the Bookkeeper's records.
- Property Assessments listed on the Town's official Web Site – Timeline for uploading to the Town's Web site.
- Oneida-Herkimer Counties Empire Zone Board – Councilman Waszkiewicz filed copies of their minutes and resolution with the Town Clerk.
- 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. Will discuss with Mayor Ryan.
- Subdivision Regulations – Parks Master Plan Trail System – Recreation areas green space – Attorney Rossi, Highway Superintendent, Town Planner and Councilman Waszkiewicz met March 10, 2005; refer to Attorney Rossi's Memo of March 11, 2005.
- Sample noise ordinance & Nuisance Abatement Legislation – the sub-committee has not met at the time of agenda submission.
- 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 Department of Transportation response has been received and filed with the Town Clerk's Office.
- Route 12 Task Force – \$9.5 million allocated of which \$3 million is targeted for Oneida County.
- Re-engineering the way services are delivered – Councilman Waszkiewicz met with Mayors and Supervisors of Oneida County on March 10, 2005 and discussed the importance of local municipalities to speak with one voice. He explained the cumulative study concept that we reached consensus on last year and requested that they adopt a resolution similar to the New Hartford Town Board Resolution No. 106 of 2004. Councilman Waszkiewicz will follow-up.
- Community Projects Appropriation Grant #TM31133 – (addressed earlier during meeting under Highway Superintendent presentation) Tilden-Higby-Valley View Stormwater Management Study funded through a member item of Assemblyman David Townsend.
- Executive Session – Contract to discuss land transaction.
- Fire Hydrants – The Mohawk Valley Water Authority confirms that they will supply the paint for re-painting but cannot supply the labor. Possibly the Town can create an "adopt-a-fire-hydrant" program or adopt the fire district program.
- Active Records Management Equipment – Councilman Waszkiewicz believes the Board needs to establish an acceptable layout and placement; he suggested a sub-committee, that includes the impacted department heads be established.

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- *Press Release to the Media* – Regarding the Town Budget, the budget development process and its impact on the tax expense to Town residents; include confirmation that the Town has opted out of the annual re-assessment program, and what the Town's position, process and plan is in order to move forward
- *Board & Committee vacancies* – Councilman Waszkiewicz inquired whether the Town has a policy of notifying the public when vacancies occur, citing two (2) openings on the Zoning Board of Appeals effective June 10, 2005. The Town Clerk will check with the Personnel Assistant.

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

#### **NEW BUSINESS:**

##### **Oneida Herkimer Counties Empire Zone**

The Oneida Herkimer Counties Empire Zone Administrative Board is seeking to include eighteen (18) properties into the Empire Zone, remove nine (9) properties from the Empire Zone, and make two (2) technical corrections to property not accurately designated. As part of the final boundary amendment application process, the Town of New Hartford has been requested to adopt a resolution concurring with the Empire Zone boundary revision for properties within the Town of New Hartford. Thereafter, the following Resolution was introduced for adoption by Councilman Woodland and seconded by Councilman Waszkiewicz:

#### **(RESOLUTION NO. 91 OF 2005)**

#### **RESOLUTION OF SUPPORT AND CONCURRENCE WITH THE ONEIDA HERKIMER COUNTY EMPIRE ZONE (FORMERLY ECONOMIC DEVELOPMENT ZONE) REVISION APPLICATION**

**WHEREAS**, New York State has created the Economic Development Zone program to encourage industrial and commercial develop in selected municipalities across the State; and

**WHEREAS**, Oneida County, as an eligible municipality, received designation of an Economic Development Zone made up of sub-zones including portions of Griffiss Business and Technology Park, the Town and Village of Frankfort, Town of Whitestown, Village of Ilion and Town of New Hartford; and

**WHEREAS**, New York State has amended the Zones program to increase benefits and allow additional sub-zones; and

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**WHEREAS**, the Oneida-Herkimer Counties Empire Zone Administrative Board has comprehensively reviewed all property within the existing boundaries of the Zone and has determined the existence of lands within the Zone boundaries that are either publicly owned, undevelopable, or have little to no potential for development to maximize utilization of the Empire Zone Program benefits; and

**WHEREAS**, Oneida County intends to revise the County Economic Development Zone boundaries (now referred to as Empire Zones) to encourage industrial and commercial development and to allow for the creation of additional sub-zones; and

**WHEREAS**, the Town of New Hartford is committed to the development of new business within the Oneida-Herkimer County Zone; and

**WHEREAS**, the Town of New Hartford wishes to support and concur with the Empire Zone revision application;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of New Hartford Board hereby mutually agrees as follows:

1. The Oneida-Herkimer Counties Zone Board will recommend to the Town of New Hartford those parcels of land to be withdrawn from the present Zone for inclusion in a "land bank" by passage of this Resolution respectively, and subject to New York State authorization and approval, which will become the land resource for future sub-zones in this revision; and
2. The municipalities, which receive sub-zones will, by a Resolution respectively, and subject to New York State authorization and approval, establish the sub-zones.

**NOW, THEREFORE, BE IT RESOLVED** that the boundary of the Oneida-Herkimer Counties Empire Zone shall be amended to include those properties added or deleted as described in Attachment A; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town of New Hartford Board, in its capacity as governing body of the Town, does hereby support and concur with the Oneida-Herkimer County Empire Zone revision application.

**ATTACHMENT A  
TOWN OF NEW HARTFORD  
Property To Be Removed**

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Judd Road Group LLC	Start	474363.9	4770899.6
Judd Road Group LLC		474393.1	4770939.2
Judd Road Group LLC		474421.1	4770917.5
Judd Road Group LLC		474391.4	4770879.3
Judd Road Group LLC	End	474363.9	4770899.6.

The Town Clerk polled the Board members who 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**. {NOTE: This was previously adopted February 16, 2005, Resolution No. 53.}

[NOTE: Attorney Rossi arrived at the meeting at 8:12 P.M.]

**Support of Homeland Security, Washington, D.C.**

The Village of New York Mills has requested a \$97,000 grant from Homeland Security for portable radios, pages and incidental equipment for their Fire Company and they have asked that the Town write a letter to Homeland Security, Washington, D.C. in support of the Village’s request.

**Sitirin Healthcare/Cedarbrook Project**

Attorney Rossi reported that after his arrival at this meeting he had conversed with Richard Wilson in the hallway about the Cedarbrook Project and Mr. Wilson wants to meet with the Committee that the Town Board had formed to resolve this matter. Attorney Rossi will call Mr. Wilson tomorrow and schedule a meeting during the week of April 11, 2005 to “iron out” differences.

**Action Plan – The Central New York Regional Transportation Authority**

Upon presentation by the Town Supervisor, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 92 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby endorse the Action Plan for Oneida County membership in the Central New York Regional Transportation Authority (CNYRTA), file date January 21, 2005, a copy of which had been forwarded to Town Supervisor Ralph B. Humphreys and reviewed by Attorney Rossi, together with



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the January 21, 2005 minutes of a Public Hearing held upon said Action Plan in the Rome City Hall, Rome, New York.

The foregoing Resolution was voted upon by roll call 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**.

**Agreement - Mohawk Valley Water Authority / Higby Road Water District**

Upon recommendation of the Town Supervisor and Attorney Rossi who had reviewed the proposed Agreement, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 93 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an agreement with the Mohawk Valley Water Authority, wherein said Water Authority promises to provide water to and to maintain the Higby Road Water District system to be constructed and turned over to the Mohawk Valley Water Authority.

Upon roll call, the Town Board 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**.

**Proposed Resolution to Support Modification of Oneida County Sales Tax Formula**

Councilman Waszkiewicz proposed contacting Oneida County towns and asking that they re-affirm the sales tax resolution adopted a couple years ago. The Town Clerk was asked to distribute copies to the Town Board. The Town Board concurred with the Councilman's suggestion.

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**Hourly Wage – Part-time Employees**

Relative to Councilman Waszkiewicz's belief that the Town Board kept the entry-level hourly wage for Highway seasonal laborers at Seven Dollars and Seventy-five Cents (\$7.75) and the hourly wage for returning employees at Eight Dollars (\$8.00) for 2004, the Town Clerk will research the 2004 minutes for a Board resolution to this effect.

[NOTE: Police Chief Philo joined the meeting at 8:37 P.M.)

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

**POLICE CHIEF:**

**Appointment – Full-time Police Officer**

Upon recommendation of the Police Chief who had worked with the Town's Personnel Assistant, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

**(RESOLUTION NO. 94 OF 2005)**

**WHEREAS**, Police Officer Peter Colburn had submitted his resignation effective Friday, April 1, 2005, to accept employment with the Secret Service;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Shane C. Yoxall as a full-time Police Officer to fill the vacancy created by the resignation of Officer Colburn; said appointment to become effective Sunday, April 24, 2005 at a first year salary of Thirty-six Thousand Four Hundred Five Dollars and Forty-four Cents (\$36,405.44) and in accordance with all New York State Civil Service rules and regulations.

The Town Board then voted upon roll call:

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

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

**2004 Summary Report**

Police Chief Philo submitted a summary of his 2004 report to the Town Board; a summary is drafted before the full annual report is done.

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**MATTERS SUBMITTED BY TOWN SUPERVISOR (CONT'D)**

**FINANCIAL:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 95 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, that have been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 10 Vouchers AA498-505	\$ 3,761.18
General Fund Whole-Town (Police) Abstract No. 10-A Vouchers AA506	\$ 14.00
General Fund Whole-Town Abstract No. 11 Vouchers AA507-573; AA591-592	\$ 67,465.76
General Fund Whole-Town (Police) Abstract No. 11-A Vouchers AA574-590	\$ 20,792.41
General Fund Part-Town Abstract No. 9 Voucher BB47-58	\$ 3,496.59
Highway Fund Whole-Town Abstract No. 2 Voucher DA2	\$ 1,370.00
Highway Fund Part-Town Abstract No. 8 Voucher DB184-209	\$ 52,841.04
Sewer Fund Abstract No. 7 Voucher SS23	\$ 1,415.66
Sewer Fund Abstract No. 8 Vouchers SS24-26	\$ 1,874.07
Street Light Fund Abstract No. 4 Voucher SL4	\$ <u>7,285.01</u>
<b>TOTAL:</b>	<b>\$160,315.72</b>

Whereupon, the Town Board members voted individually as follows:

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

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Supervisor Humphreys - Aye.

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

**Audit of Vouchers (Cont'd)**

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

**(RESOLUTION NO. 96 OF 2005)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the **HBMA, PLLC** Voucher No. AA593 in the amount of \$2,211.72, itemized on the General Fund Whole-Town Abstract No. 12 that had been duly audited by the Town Board.

Discussion ensued with Councilmen Waszkiewicz and Butler believing that this firm did not provide all information/statistics requested under their contract (consolidation of Town Offices at the Campion Road Partlow building) and that money should be withheld from their voucher because of this. Attorney Rossi said he'd e-mailed Donald Bataille of **HBMA** and Mr. Bataille responded that in order to develop the statistics that Councilman Waszkiewicz wanted, the Town needs to provide certain information to which he has no access. Supervisor Humphreys believes that this is pointless at this time because the Town has no plans to pursue purchase of the Partlow property. A roll call vote was then taken and resulted as follows:

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 97 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss possible transfer of real estate and the Archibald assessment certiorari.

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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 Town Clerk, were then excused from the meeting at 9:32 P.M.

{NOTE: The Town Supervisor provided the following on Thursday, April 7, 2005.]

**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 98 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 10:05 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Butler and seconded by Councilman Waszkiewicz, the meeting was adjourned at 10:06 P.M.

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*Respectfully submitted,*

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