

**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 20, 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: Codes Enforcement Officer Gerald Back
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael Jeffery
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones
Town Police Chief Raymond Philo

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

MINUTES APPROVAL

April 6, 2005 Town Board Meeting

Action was deferred until the May 4, 2005 Town Board meeting because Attorney Rossi, who was out of town, must be consulted on a Resolution adopted April 6, 2005.

PUBLIC PRESENTATIONS

Curbside Brush Pick Up

Shirley Riggles noted that last Wednesday the Town Highway Department picked up the brush at the Wedgewood Apartments and on Thursday the apartment complex was placing debris out again. Ms. Riggles had called the Highway Superintendent and was waiting to hear from him regarding this matter. Highway Superintendent Cleveland explained that a letter was sent the next day after the complaint was received to Wedgewood Apartments asking them to comply with the schedule, and enclosed another trash flyer with his letter. Wedgewood Apartment personnel were also asked to place all green waste by the culvert. The Highway Superintendent will report at the next Town Board Meeting regarding this matter. Ms Riggles “thanked” Highway Superintendent Cleveland for acting so promptly on this matter.

Zoning Enforcement of Temporary Signs

Jerome Donovan addressed the matter of enforcement of illegal temporary/portable signs

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that he'd discussed with Codes Enforcement Officer Gerald Back; approximately twenty (20) illegal signs exist within the Town. Mr. Donovan would appreciate the Town addressing and enforcing the Zoning Law as to these types of signs.

Preswick Glen Municipal Service Agreement (MSA)

Jerome Donovan challenged the Town of New Hartford's authority to enter into a Municipal Service Agreement, dated March 24, 2004, with Preswick Glen. He questioned the following points with regards to this MSA:

- Legal authority granting town government the right to waive the real property tax obligations of a planned retirement community designed for upper income and high net worth senior citizens
- No written opinion of the Town Attorney or the Attorney for Preswick Glen is part of the agreement
- This is a public policy question reserved for the state legislature
- The MSA language itself acknowledges that there is no foundational support for the agreement
- Loss of assessed valuation of property in town
- An increase and shift in the property tax burden at the town, county and school district levels
- Precedent for similar future projects in the Town
- Gives "higher wealth senior citizens" a "lifetime tax holiday"
- Cost county and school district hundreds of thousands of dollars annually in real property tax payments
- Transfers wealth from younger taxpayers to high net worth seniors
- Subsequent care at either Presbyterian Home assisted living or skilled nursing facilities is not guaranteed
- Challenging this Agreement under the Indemnification Clause (6) and asking that the Town nullify the Agreement on the basis that the Town has no statutory authority to have executed this Agreement.

Councilman Backman invited Mr. Donovan to meet with him regarding Municipal Service Agreements he has from other localities. Mr. Donovan questioned why no written legal Opinion from the Town Attorney is included in this Agreement and he believed that the Town needs to defend what is on the public record. The Town Supervisor stated the Town would be unable to do anything about this matter tonight since Attorney Rossi is out of town. Councilman Waszkiewicz informed Mr. Donovan that he had correspondence from the Town Attorney, School Board Attorney and the County attorney relative to the Preswick Glen MSA and he would furnish copies to Mr. Donovan. As to Mr. Donovan's challenge of the MSA, the Town Supervisor will contact Attorney Rossi when the Attorney returns from vacation.

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REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER:

Zoning Enforcement of Sign Regulations

Responding to Jerome Donovan's concerns about temporary/portable signs, Codes Enforcement Officer Back stated that – prior to the current administration – he had been asked by the Town Board to back off the enforcement of portable/"sandwich"/blinking signs because some business owners objected, stating the signs were their only means of advertising. However, under the Zoning Law, these temporary signs are prohibited, and the Codes Enforcement Officer has no problem with going from business to business and request that the owners remove them. The temporary usage of these signs for a few days is fine. The Codes Enforcement Officer would like to see this law enforced and he's already contacted businesses in the Washington Mills area. The law is practical and businesses have twenty (20) days in which to comply with the law once the Codes Department has notified them. Before the Codes Enforcement Officer mails a letter to the business owner, he routinely visits a business to personally inform the owner of the law. "Garage Sale Signs" are not permitted off the owner's property and have been removed on a regular basis; "Campaign Signs" are exempt from this law. The consensus of the Board was that the law should be enforced; the Codes Enforcement Officer will resume enforcement.

Waiver – Building Permit and Associated Fees

The Codes Enforcement Officer received a letter from the Faxton-St Luke's Healthcare Foundation requesting that the Town waive the fees for the cost of a building permit, certificate of occupancy, sewer and water hook-up and storm water control permits on the "Miracle Home" project, which will be built by Lewis Custom Homes in the Whitetail Meadows subdivision, Chadwicks, NY. Codes Officer Gerald Back estimated the permits would normally bring in Five Hundred Dollars (\$500) and stated that the Town has waived these types of fees previously. The same type of inspections would be performed as are completed with any other newly constructed home within the Town of New Hartford. Upon the recommendation of the Codes Enforcement Officer, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 99 OF 2005)

WHEREAS, the Faxton-St. Luke's Healthcare Foundation is sponsoring the construction of a "Miracle Home" in the Whitetail Meadows Subdivision, Chadwicks, New York, with proceeds to be donated to the Children's' Miracle Network; and

WHEREAS, said Faxton-St. Luke's Healthcare Foundation has requested that the Town consider waiving all permit fees associated with construction of this "Miracle Home";

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NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby waive the cost of all permit fees associated with the construction of the “Miracle Home” in the Whitetail Meadows Subdivision, Chadwicks, New York, inasmuch as proceeds will benefit a not-for-profit organization.

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 **ADOPTED**.

Computer Purchase

Codes Enforcement Officer Gerald Back presented a quote for a computer upgrade. After a brief discussion, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 100 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to purchase a new Computer for his office, the cost of which is included in the 2005 Budget for the Codes Department.

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 **ADOPTED**.

HIGHWAY SUPERINTENDENT:

Appointments – Part-time, Seasonal Employees

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

(RESOLUTION NO. 101 OF 2005)

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RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Highway Department, all wages to be paid bi-weekly:

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>	<u>START DATE</u>
Keith Gehringer	Laborer	\$7.75 per hour	April 11, 2005
Wayne Rich	Laborer	7.75 per hour	May 1, 2005
Evan Rossi	Laborer	8.00 per hour	May 1, 2005
Bryon Rich	Laborer	8.00 per hour	May 1, 2005
Michael Shaw	Laborer	8.00 per hour	May 1, 2005
Theodore Mohr	Laborer	8.00 per hour	May 1, 2005
Allison Back	Student Worker	8.00 per hour	May 1, 2005

Whereupon, the Town Board 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 **ADOPTED**.

Stormwater Management – Wadsworth/Tilden area

The Highway Superintendent presented a proposed agreement with Shumaker Consulting for an Analysis Interceptor Ditch and for two (2) additional service items. He recommended approval of the Analysis Interceptor Ditch, but to put a hold on the other two (2) items that Shumaker Consulting. Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 102 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 Shumaker Consulting Engineering & Land Surveying to perform an Analysis Interceptor Ditch, southeast of Wadsworth Road and extending from approximately Tilden Avenue to the end of Wadsworth Road at the confluence of another ravine. The cost of such study shall not exceed Four Thousand Dollars (\$4,000), which amount was granted the Town through a State Legislative member item.

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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 ***ADOPTED***.

2005 Roadside Mowing Agreement

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

(RESOLUTION NO. 103 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute the Roadside Mowing Agreement between the Town and the County of Oneida wherein the Town agrees to mow town and county roads within the Town of New Hartford during the 2005 Summer Season and the County agrees to furnish the mower that is to be attached to a town tractor and operated by a town employee, and as more fully defined in said Agreement.

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 ***ADOPTED***.

Installation of "Deaf Child" Sign

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

(RESOLUTION NO. 104 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Highway Superintendent to install three (3) "Deaf Child" signs as follows:

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Two (2) signs on Foxcroft Road
One (1) at 1 Woodstream Court

AND BE IT FURTHER RESOLVED that these signs shall be removed after a period of ten (10) years.

Further discussion was held which the Town Supervisor asked the Highway Superintendent to notify the parents of the child that, should they move from the residence before the ten (10) year period expires, that they should notify the Town.

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 **ADOPTED**.

Higby Road Water District - Update

Addressing Councilman Backman, the Highway Superintendent reported that the Town is on track and it's his understanding that Mr. Hale had been on the site to do preparation work. Councilman Backman stated that he had been there and could see where the owner had taken down some trees, but he does not believe that the site has been graded.

Sessions Road Realignment

Highway Superintendent Cleveland anticipates that the work will be completed by July 2005 and that the Town would be able to return the old portion of the road to the Wilcox Family at that time.

Authorization for Competitive Bid – Bituminous Concrete Paving

Upon request of Superintendent of Highways Cleveland, Councilman Woodland presented the following Resolution for adoption, which was seconded by Councilman Butler:

(RESOLUTION NO. 105 OF 2005)

RESOLVED that the New Hartford Town Board shall receive sealed bids for Bituminous Concrete paving 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, May 17, 2005

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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 does 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 **ADOPTED**.

(Renewal) Agreement – Solid Waste Collection and Disposal

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

(RESOLUTION NO. 106 OF 2005)

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 a **Renewal Agreement for Solid Waste Collection and Disposal** between the Oneida Herkimer Solid Waste Authority and the Town of New Hartford for a period of ten (10) years.

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

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

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

Improve Existing Town Offices

Councilman Waszkiewicz asked the Highway Superintendent which offices would be ready to received the new “times 2” filing equipment obtained through an Active Files Records Management grant. Town Clerk-Records Management Officer stated that the

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Police Department, Town Supervisor, Accounting, Personnel and Town Clerk/Registrar offices would receive their equipment first.

“NO Turn on Red” – Henderson Street and Commercial Drive

The NYS Department of Transportation will not be doing anything with this corridor until the Judd Road/Henderson Street Bridge is completed. Councilman Waszkiewicz suggested that he, Highway Superintendent Cleveland and the Mayor of New York Mills have a meeting to discuss the left-hand turn from Henderson Street onto Commercial Drive. The Highway Superintendent also stated that he had asked the Department of Transportation for a proposed realignment of the Clinton Street Bridge in front of Miga Auto Sales.

Mohawk Valley Water Authority – Stormwater Management Detention Basins

The Highway Superintendent has not heard from the Mohawk Valley Water Authority regarding the use of the holding ponds in the Southern reservoir system for stormwater management detention basins.

PARKS AND RECREATION DIRECTOR:

Appointments – Part-time, Seasonal Employees

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

(RESOLUTION NO. 107 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department, all wages to be paid bi-weekly:

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>	<u>START DATE</u>
Michael Harrigan	Park Laborer II	\$7.90 per hour	April 18, 2005
Adam Griffin	Park Laborer II	7.90 per hour	May 16, 2005
Michael Steele	Park Laborer II	7.90 per hour	May 16, 2005
Steven Harmon	Park Laborer II	7.90 per hour	May 16, 2005
Michael DePhillips	Park Laborer II	7.90 per hour	May 16, 2005
Dustin Benton	Park Laborer I	7.90 per hour	May 16, 2005
Richard Davies	Park Laborer I	7.40 per hour	May 16, 2005
Dean Kivela	Park Laborer I	7.40 per hour	May 16, 2005
Edmund Timpano	Park Laborer I	7.40 per hour	May 16, 2005
James Miller	Crew Supervisor/ Gardner	9.98 per hour	April 18, 2005

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NAME	POSITION	RATE OF PAY	START DATE
Edward Bowes	Part-Time Laborer/ Green Thumb Program	8.25 per hour	April 18, 2005
Diane Muller	Pool Director/ Evening Supervisor	10.92 per hour 7.73 per hour	June 20, 2005 June 20, 2005
Liam Dwyer	Assistant Director	9.00 per hour	June 20, 2005
Anna Wanner	Certified WSI	9.00 per hour	June 20, 2005
Jenna Humphreys	WSI	8.30 per hour	June 20, 2005
Mary Carol Karl	Certified WSI	9.00 per hour	June 20, 2005
Paul Manfredo	Certified WSI	9.00 per hour	June 20, 2005
Kathryn Karl	Lifeguard & Substitute Instructor	7.60 per hour	June 20, 2005
Kelly Becraft	Certified WSI	9.00 per hour	June 20, 2005
Lauren Dunn	Certified WSI	9.00 per hour	June 20, 2005
David Maliani	Evening Lifeguard	7.60 per hour	June 20, 2005
Bryce Lamberto	Evening Lifeguard	7.60 per hour	June 20, 2005
Erica Masi	Lifeguard & Substitute Instructor	7.60 per hour	June 20, 2005
Kacie Cunningham	Evening Lifeguard	7.60 per hour	June 20, 2005
Kevin Dwyer	Evening Lifeguard	7.60 per hour	June 20, 2005
Sean Dwyer	Evening Lifeguard	7.60 per hour	June 20, 2005
Michelle Becraft	Evening Lifeguard	7.60 per hour	June 20, 2005
Brendan Galinn	Evening Lifeguard	7.60 per hour	June 20, 2005
Sean Dakus	Substitute Evening Lifeguard	7.60 per hour	June 20, 2005
Shelby Dakus	Substitute Evening Lifeguard	7.60 per hour	June 20, 2005
Lindsay Mundrick	Evening Girls Locker Attendant	6.00 per hour	June 20, 2005
Craig Sherman	Boys Locker Attendant	6.00 per hour	June 20, 2005
Ashley Mundrick	Day Girls Locker Attendant	6.00 per hour	June 20, 2005
Ashley Mundrick	Evening Lifeguard	7.60 per hour	June 20, 2005
Matt Watkajtys	Substitute Evening Lifeguard	7.60 per hour	June 20, 2005
Elaine Hage	Water Aerobics Instructor	35.00 per hour	June 20, 2005
Linda Budlong	Water Aerobics Instructor	35.00 per hour	June 20, 2005
Maurine Farruggia	Water Aerobics Instructor	35.00 per hour	June 20, 2005

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NAME	POSITION	RATE OF PAY	START DATE
Rachel Mohr	Director at Chadwicks	10.22 per hour	June 20, 2005
Christine Cahill	Ass't Director at Chadwicks	8.75 per hour	June 20, 2005
Travis Owens	Rec. Attendant II at Chadwicks	7.25 per hour	June 20, 2005
Courtney Usmail	Rec. Attendant II at Chadwicks	7.25 per hour	June 20, 2005
Sean Dakus	Rec. Attendant I at Chadwicks	6.15 per hour	June 20, 2005
Amanda Horth	Rec. Attendant I at Chadwicks	6.15 per hour	June 20, 2005
Arity Buckley	Director at Oxford Rd.	10.22 per hour	June 20, 2005
Kristi Denison	Ass't Director at Oxford Road	8.75 per hour	June 20, 2005
Shaun McQueary	Rec. Attendant II at Oxford Road	7.25 per hour	June 20, 2005
Theresa Corleto	Rec. Attendant II at Oxford Road	7.25 per hour	June 20, 2005
Marc Montesano	Rec. Attendant I at Oxford Road	6.15 per hour	June 20, 2005
Shelby Dakus	Rec. Attendant I at Oxford Road	6.15 per hour	June 20, 2005
Bianca Falange	Rec. Attendant I at Oxford Road	6.15 per hour	June 20, 2005
Sarah Batson	Co-Director at Clinton Road	10.22 per hour	June 20, 2005
Adrienne Greer	Co-Director at Clinton Road	10.22 per hour	June 20, 2005
Kimberly Alberico	Rec. Attendant II at Clinton Road	7.25 per hour	June 20, 2005
Tracy Steele	Rec. Attendant II at Clinton Road	7.25 per hour	June 20, 2005
Joseph Karam	Rec. Attendant II at Clinton Road	7.25 per hour	June 20, 2005
Mark Bieganowski	Rec. Attendant I at Clinton Road	6.15 per hour	June 20, 2005
Jeffrey Lenard	Director at Higby Road	10.22 per hour	June 20, 2005
Shirley Root	Ass't Director at Higby Road	8.75 per hour	June 20, 2005

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<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>	<u>START DATE</u>
Matt Watkajtys	Rec. Attendant I at Higby Road	6.15 per hour	June 20, 2005
Robert Greer	Rec. Attendant II at Higby Road	7.25 per hour	June 20, 2005
Elizabeth Perra	Rec. Attendant II at Higby Road	7.25 per hour	June 20, 2005
Sarah Heil	Rec. Attendant I at Higby Road	6.15 per hour	June 20, 2005
Barbara Kivela	Head Bus Driver	11.70 per hour	June 20, 2005
Linda Mundrick	Bus Driver	11.00 per hour	June 20, 2005
Tim Madden	Adult Basketball Director	16.15 per hour	June 20, 2005
Jerry Pitarresi	Adult Basketball Assistant Director	11.15 per hour	June 20, 2005
Ed Prue	Youth Basketball Dir.	14.31 per hour	June 20, 2005
Harold Kaffka	Adult Pickup Basket- ball Supervisor	13.50 per hour	June 20, 2005
George Kazanjian	St. John's Basketball Director	16.15 per hour	June 20, 2005
Garrett Lubertine	Tennis Instructor	15.00 per hour	June 20, 2005
Steve Orton	Summer Theater Dir.	17.75 per hour	June 20, 2005
Jesse Orton	Summer Theater Assistant Director	8.10 per hour	June 20, 2005

Whereupon, the Town Board 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 **ADOPTED**.

Opening of Town Parks

Due to the good weather, the Parks and Recreation Director reported that he was able to open all of the Town Parks by April 15, 2005.

Cul-de-sac Mowing

Councilman Wazkiewicz asked the Parks and Recreation Director if there is a potential of freeing the Town from mowing cul-de-sacs. Director Jeffery stated that he has gone

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through the advisory process and had a couple of recommendations; he noted that Attorney Rossi also has some concerns which will be discussed with the Parks and Recreation Director and Town Supervisor.

“Outdoor Skating Rink” Grant Application

Responding to Councilman Waszkiewicz’s inquiry about the grant for an outdoor skating rink that wasn’t approved by the State for 2005, Parks and Recreation Director Michael Jeffrey has already re-applied but has not heard anything. He has knowledge that grant applications have been reviewed and believes that the Town should know by July 1, 2005 whether the Town would receive a grant to fund this project.

TOWN CLERK:

Disposal of 1996 Dodge Intrepid

Bookkeeper Carol Fairbrother had inquired as to the value of a 1996 Dodge Intrepid, VIN 2B3HD46F6TH166647, which had been given to the Oneida County District Attorney’s Office by the Town Police Department. Because there was no Town Board Resolution authorizing the transfer and the Certificate of Title was in the Town’s name, the Town Clerk asked for clarification of the matter. Police Chief Raymond Philo explained that the automobile had been given to the Town by Oneida County as part of a DWI Grant, and that the Town has now returned the Dodge Intrepid to the District Attorney’s Office. The Town Supervisor will discuss the value of the vehicle with the vehicle; it was further emphasized that the Town Clerk’s Office, which handles insurance, should be notified of any vehicle that the Town has, but does not own.

Elections – Change of Polling Location, Ward 1 District 2

Having received a letter from the Willowvale Fire Company giving permission to the Town to use their new firehouse for voting purposes, the Town Clerk presented the following Resolution that was introduced for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

(RESOLUTION NUMBER 108 OF 2005)

WHEREAS, the current polling site for Ward 1 District 2, namely, the Donovan Community Center, Elm Street, Chadwicks, was inadequate parking facilities and limited space for conducting elections since this facility is also shared by the Animal Control Officer;

NOW, THEREFORE, BE IT RESOLVED, that the New Hartford Town Board does hereby change the polling location for voters in Ward 1 District 2 from the Donovan Community Center Building to the recently constructed Willowvale Firehouse, 3459 Oneida Street, Chadwicks, New York, effective immediately.

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Whereupon, the Town Board 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 **ADOPTED**.

Elections – Ward 3, Districts 1 and 3

After having received concerns from Ward 3 District 1 election workers about the inequality of voters in Ward 3 District 1 compared to Ward 3 District 3, Town Clerk Gail Wolanin Young obtained a list of registered voters from the Oneida County Board of Elections for each of the voting districts. Upon review of the County's lists and comparing them to the Town's Election Map, the Town Clerk discovered that the County Board of Elections had placed the entire Bohling tract (Bonnie Ave, Croft Road, Daley Place, Gary Ave, Graham Ave, etc.) and the odd-numbered homes on a portion of Oxford Road into Ward 3 District 1, when these voters should have been listed in Ward 3 District 3, involving two hundred seventeen (217) residents. The Town Clerk has notified the County Board of Elections of this error and the Board of Elections will notify the affected voters. This re-adjustment will bring a total of 809 voters in Ward 3 District 1 and 639 voters in Ward 3 District 3. The Town Clerk further reported that since this error has been recognized and corrected there would be no need for redistricting this Ward.

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY

COUNCILMAN BACKMAN:

Agenda Items:

- Sitrin – Report from Committee - This matter deserves a decision as per Councilman Backman. Councilman Waszkiewicz stated that the Sitrin Home owes a response. As soon as a response is received, the Town Board will be able to continue with this matter and hopefully reach a decision
- Town Board Meetings - Councilman Backman reminded those present that beginning May 4, 2005 and until September 21, 2005, the Town Board meetings will be held at the Kellogg Road Community Center Building
- Water District Update – Reports from Attorney and Highway Superintendent – (this was covered under the Highway Superintendent's report)

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- Sessions Road Realignment and Construction – (covered under the Highway Superintendent's report)

COUNCILMAN WASZKIEWICZ

Agenda items:

- Annexation – New York Mills – Councilman Waszkiewicz has contacted the New York Mills Mayor and provided the updated map and will coordinate the appropriate petitions once received from Attorney Rossi. The New York Mills Village Attorney will do what needs to be done to crystallize the annexation process
- Allocation of Police Charges – On Tax Bills – Excerpt from the Association of Towns correspondence - “re: sales tax revenue: The town must use it for part-town purposes. If there is a balance left after using it to reduce PT property tax (to zero) it can be used to reduce whole town property taxes, reduce county taxes (PT) or other PT activities. (Section 1262 © & (d) of the Tax Law)” Their interpretation indicated, “the Supervisor can state what he wants”.
- Property Assessments listed on the Town Official Website - Time line for uploading to the web. As per Councilman Waszkiewicz, this item and the town-wide reassessment go hand-in-hand. Councilman Waszkiewicz proposed that the process the residents need to take also be posted and will discuss this matter at the next meeting. Councilman Waszkiewicz would like to have the taxpayers involved as to what is being placed on the website.
- Appointment Process - The Town Clerk confirmed that the employees' handbook for non-union employees provides that job openings be posted; it was questioned whether this provision applies to openings on the Zoning Board of Appeals. Information needs to be given to the Webmaster regarding any upcoming appointments.
- Improve existing Town Offices – (... was discussed under the Highway Superintendent's agenda items)
- Intermunicipal/multi-county Agreement - between the Town of New Hartford and the Town of Frankfort to seek funding for Storm Water Analysis of flows between the two towns. Councilman Waszkiewicz will forward the draft after the both Town Attorneys review it. (This matter was discussed under the Highway Superintendent's agenda items.)
- Sample Noise Ordinance/Nuisance Abatement Legislation – Sub-committee has met and regarding the noise ordinance, the committee recommends “No action at this time.” Regarding nuisance abatement, the committee is still reviewing options; a recommendation wasn't available at the time of this agenda printing
- DOT Requesting Review for No Turn On Red and Improving of Pedestrian Crossings at Henderson Street and Commercial Drive – this was discussed under the Highway Superintendent's agenda items

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- Officially request MVWA Approval To Use Holding Ponds in the Southern Reservoir System for Storm Water Management Detention Basis – Awaiting official response from the Mohawk Valley Water Authority.
- Town-Wide Reassessment – Cancel mailing the Request for Proposal (RFP). Outline process to identify any errors
- Re-engineering The Way Services Are Delivered - Councilman Waszkiewicz distributed a Sample Resolution Board consideration.

After some discussion, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 109 OF 2005)

RESOLVED that the following recommendations be submitted to New York State Senators Raymond Meier and Joseph Bruno, New York State Assembly Representative David Townsend and Sheldon Silver, New York State Association of Towns and Governor George Pataki, with a letter on behalf of the citizens of the Town of New Hartford urging their immediate attention:

WHEREAS, the residents of the Town of New Hartford have collectively considered the local issues of greatest concern to them and identified high property taxes as one of the highest priority among them; and

WHEREAS, funding for local governmental services, including public education, is provided primarily through a tax on the estimated value of property; and

WHEREAS, the welfare of the Town of New Hartford homeowners is jeopardized by the rapid increase in the costs of public education and the inability of many homeowners to pay these increased costs; and

WHEREAS, the increasing burden of public education on taxpayers also impacts on the ability to raise other taxes to provide services and to fund Town-specific and local initiatives important to the well being of the community.

THEREFORE, the Town Board of the Town of New Hartford appeals to New York State public officials to implement new measures for financing public education, including the following suggested actions:

1. Ensure equity in a formula for funding public education based on the taxpayers' ability to pay.
2. Decrease the revenue raised from tax sources based on the value of dwellings.

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- 3. Refrain from imposing state mandated requirements upon school systems without corresponding state funding.
- 4. Adjust the formulas on revenues earmarked as aid to education from state lottery and other future gaming activities so that the annual percentage is substantially increased from current levels.
- 5. Maintain the enhanced STAR exemption for the town’s neediest citizens, but also increase the STAR exemption for senior citizens specifically at all income levels.
- 6. Regain lost tax revenue from the above action through income tax.

Whereupon, the Town Board 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 **ADOPTED**.

County Sales Tax Resolution

Supervisor Humphreys had spoken with Camden Town Supervisor Daniel Yourdon regarding a vote on sharing the County sales tax, and Mr. Yourdon did not believe it was time to bring this matter to a vote at this time until the Medicaid problem is solved at the County level. Councilman Waszkiewicz stated it was his understanding that the timing for this may be coming again in the near future.

MATTERS SUBMITTED BY THE TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 110 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. 13	
Vouchers AA594-AA630; AA636-AA648	\$125,258.28

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General Fund Whole-Town (Police) Abstract No. 13A Vouchers AA631-AA635	\$ 714.55
General Fund Whole-Town Abstract No. 14 Vouchers AA649	\$ 1,250.00
General Fund Part-Town Abstract No. 10 Voucher BB59-BB64	\$ 4,089.85
Highway Fund Part-Town Abstract No. 9 Voucher DB210-DB228	\$ 15,583.33
Sewer Fund Abstract No. 9 Voucher SS27	\$ 1,200.00
Street Light Fund Abstract No. 5 Voucher SL 5	\$ 7,301.75
Higby Road Water Tank Abstract No. 6 Voucher HF6	<u>\$ 72,138.27</u>
TOTAL:	\$227,536.03

Whereupon, the Town Board members voted individually as follows:

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

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

NEW BUSINESS:

Appointment – Sub Clerk/Accounting Department

Upon recommendation of the Town Supervisor, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Wazkiewicz :

(RESOLUTION NO. 111 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Cherie Fairbrother as a Sub Clerk in the Accounting Office, effective June 27, 2005, at an hourly rate of Eight Dollars (\$8.00), payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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 **ADOPTED**.

POLICE CHIEF - National Incident Management System Resolution

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

(RESOLUTION NO. 112 OF 2005)

WHEREBY, On February 28, 2003, the President of the United States issued Homeland Security Presidential Direction-5, entitled "Management of Domestic Incidents." This document directs the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS). This system provides a consistent nationwide template to enable Federal, State, and Local governments and, private sector organizations to work together effectively and efficiently to prepare for, prevent, respond to, and recover from Domestic incidents, regardless of cause, size or complexity, including acts of catastrophic terrorism. NIMS represents a core set of doctrine, concepts, principles, terminology and an organizational process to enable effective, efficient and collaborative incident management at all levels. Presidential Homeland Security Directive-5 requires Federal Departments and agencies to make adoption of NIMS by state and local organizations a condition for Federal preparedness assistance beginning in fiscal year 2005.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby adopt the National Incident Management System as a template and management tool to handle all Domestic incidents as the term is defined by Homeland Security Directive-5. The Chief of the town of New Hartford, to amend the Jurisdictions emergency Management Plan to reflect the adoption of NIMS.

Whereupon, the Town Board 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 **ADOPTED**.

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EXECUTIVE SESSION

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

(RESOLUTION NO. 113 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss land acquisition and the Kevin Collins litigation matter.

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 9:00 P.M.

{NOTE: The Town Supervisor provided the following on Thursday, April 21, 2005.}

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 114 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 9:45 P.M. The regular portion of the Town Board meeting was immediately reconvened.

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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 9:46 P.M.

Respectfully submitted,

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

**Margaret M. Jones
Deputy Clerk I**