

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING IN SAID TOWN ON WEDNESDAY,
JUNE 1, 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 F. Back
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Town Clerk Gail Wolanin Young, CMC/RMC
Town Police Chief Raymond Philo

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 7:47 P.M.)

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

MINUTES APPROVAL

April 20, 2005 Town Board Meeting

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

(RESOLUTION NO. 144 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 **April 20, 2005** and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

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*.

May 4, 2005 Town Board meeting

Action on the May 4, 2005 minutes was deferred until the June 15, 2005 Town Board meeting.

May 18, 2005 Town Board meeting

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

(RESOLUTION NO. 145 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 *May 18, 2005* and does further waive the reading of same.

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*.

Amendment – May 18, 2005 Town Board minutes

Supervisor Humphreys then introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 146 OF 2005)

WHEREAS, subsequent to adoption of Resolution No. 133 on May 18, 2005 when the Town Board declared a V-plow to be surplus property to be sold at the market value of Two Hundred Dollars (\$200), it was learned that the actual market value was Two Hundred Fifty Dollars (\$250);

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby amend Resolution No. 133 adopted May 18, 2005 so that the Highway Superintendent is authorized to sell the V-plow for Two Hundred Fifty Dollars (\$250).

The Town Clerk polled the Board members who voted as follows:

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

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

PUBLIC PRESENTATIONS

Public Safety – Crosswalk at Donovan Memorial Park

Having appeared at the May 18, 2005 Town Board meeting with concerns about the crosswalk for the Donovan Memorial Park, Elm Street in Chadwicks, Ms. Mariano thanked the Town for the newly-painted crosswalk and for enforcement of 4-wheelers driving on roadways.

Public Safety – Vehicular parking on sidewalks

Ms. Mariano said enforcement of no parking of vehicles on sidewalks still remains an issue on Elm Street and Oneida Street; as she drove to attend this meeting, five (5) vehicles were parked across sidewalks, forcing pedestrians into the road.

Preswick Glen Municipal Service Agreement (MSA) – Real Property Tax Exemption

Jerome Donovan, who believed that statements from the Town Board, Attorney for the Town and the Preswick Glen Executive Director to rebut his prior contention that the exemption is not supported by history or practice, said that those statements fell short of refuting his contention that the Preswick Glen project does not qualify for exemption under NYS RPTL, Section 420-a. He again questioned whether the IRS ruling had a bearing on the property's use and property tax status or the PILOT agreements. He also questioned case law. In conclusion, Mr. Donovan urged the Board to adopt a resolution seeking an independent opinion of counsel from the State Office of Real Property Services specifically addressing the Preswick Glen Project. He also asked the Town Board and Preswick management and trustees to hold a joint public meeting giving Town residents an opportunity to learn more about the project and ask questions of Town and project officials.

Enforcement of Sign legislation

Jerome Donovan thanked the Town Board and Codes Enforcement Officer for aggressively enforcing the sign regulations (Zoning Law) in the commercial area of the Town, particularly Washington Mills, noting it adds to the aesthetic view of the Town.

FOIL Request – Assessor's Office

Relative to the six (6) additional apartment buildings planned by the Wedgewood Apartment owners, Shirley Riggles had asked for assessment and ownership information from the Town Assessor who said he didn't have the information and referred her to the

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Oneida County Clerk and Oneida County Finance Department. Supervisor Humphreys responded that it might be difficult to say who the true owners are in a corporation.

Lighting Regulations

Ms. Riggles also spoke with Codes Enforcement Officer Gerald Back about lighting regulations and "...it disappeared in 1999 when the Zoning Law was updated" she said; Ms. Riggles believes it is the Town's obligation to protect residential properties from commercial properties with lighting, etc.

SPECIAL COMMITTEES

QUALITY OF LIFE SURVEYS:

After a brief discussion, the following Resolution was introduced for adoption by Councilman Waszkiewicz and seconded by Councilman Woodland:

(RESOLUTION NO. 147 OF 2005)

RESOLVED that the New Hartford Town Board does hereby establish a temporary Committee to meet, review and analyze the nearly four hundred (400) Quality of Life Survey responses received from Town residents, the Committee to consist of Councilman Backman, Councilman Woodland, Nathaniel Richmond, Shirley Riggles, and if his schedule permits, Councilman Butler. They will meet at 7:00 P.M. in Butler Memorial Hall on Monday, June 20, 2005.

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**.

PUBLIC PRESENTATIONS (CONT'D)

Disturbance of Peace

Citing loud music, vulgar and obscene language from neighboring properties, Marsha Furgal inquired if the Town had any legislation against these offensive occurrences. The Town Board acknowledged a local law regulating noise emanating from a moving vehicle only. The Town Clerk advised Ms. Furgal to report the incidents to the Town Police Department and continue to do so until the incidents stop; Mrs. Young had

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experienced similar incidents during the Summers of 2003 and 2004 and contacting the Police Department was a benefit.

Regulation of Cats

Ms. Furgal further inquired whether there were licensing provisions and/or regulations for cats and the damage they can do. The Town Clerk referred Ms. Furgal to Chapter 56 [Dogs and Pets] of the Town Code, which could be viewed in the Town Clerk’s Office or on the Town’s Website.

REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER:

Appointment – Part-time, Seasonal Employee

Upon recommendation of Codes Enforcement Officer Gerald Back, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

(RESOLUTION NO. 148 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Anya Richmond as a Sub-Clerk in the Codes Enforcement Office effective June 2, 2005 and terminating at the end of August 2005 at an hourly wage of Eight Dollars (\$8), to be paid bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

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

[NOTE: Attorney Rossi joined the meeting at 7:47 P.M.]

Property Maintenance – 2 Viburnum Place

After a report from the Codes Enforcement Officer, the following Resolution was for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 149 OF 2005)

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WHEREAS, the Town of New Hartford had adopted on September 24, 1994 a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town (Code, Chapter 94); and

WHEREAS, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 2 Viburnum Place (Tax Map Parcel No. 340.001-1-6), New Hartford, New York owned by John Castronovo whose last known address is 2 Viburnum Place, New Hartford, New York; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owners via certified mail;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn and clearing the property of weeds at 2 Viburnum Place and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2006 Town and County tax bill.

The Codes Enforcement Officer will obtain quotes from private contractors for future mowings at this location. Thereafter, the Town Board voted upon roll call:

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

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

DIRECTOR OF SENIOR SERVICES:

Special Programs

Director Eileen Spellman announced that a Senior Citizen Picnic has been scheduled in the Sherrillbrook Park for July 20, 2005, a senior citizen dance on August 10, 2005 at the Adult Dining & Activity Center, and a mentoring program during summer.

HIGHWAY SUPERINTENDENT:

Local Law Introductory "A" of 2005

Upon recommendation of the Highway Superintendent, Councilman Backman introduced the following legislation for consideration at a future Public Hearing; co-sponsored by

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Councilman Woodland:

**TOWN OF NEW HARTTORD, NEW YORK
LOCAL LAW INTRODUCTORY NO. "A" OF 2005**

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by establishing additional Through Streets (Section 113-40) and additional Stop Streets (Section 113-41).

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

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Fawncrest Blvd	Haverhill Drive	East	Stop Sign
Heloon Drive/ Annie's Way	Patricia Drive	Northwest	Stop Sign
Heloon Drive/ Annie's Way	Norma Drive	Southeast	Stop Sign
Kay Circle	Florence Court	West	Stop Sign
Kay Circle	Florence Court	Northwest	Stop Sign
Oneida Street	Kay Circle	West	Stop Sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Florence Court	South	Kay Circle
Florence Court	Southeast	Kay Circle
Haverhill Drive	West	Fawncrest Boulevard
Kay Circle	East	Oneida Street
Norma Drive	Northwest	Heloon Drive/Annie's Way
Patricia Drive	Southeast	Heloon Drive/Annie's Way

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SECTION 3. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Tentative Public Hearing – Local Law Introductory “A” of 2005

Upon recommendation of the Town Supervisor, Councilman Backman then offered the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 150 OF 2005)

RESOLVED that the New Hartford Town Board does hereby tentatively schedule a Public Hearing upon Local Law Introductory “A” of 2005 to commence on July 6, 2005 at 8:00 P.M. in the Kellogg Road Community Center Building, or such other time when, in an effort to save on publication costs, multiple hearings can be held on pending local law legislation for parking tickets, barking dogs, and zoning text amendments.

The Town Clerk polled the Board members who voted as follows:

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

The Resolution was then declared unanimously carried and duly **ADOPTED**. Attorney Rossi will furnish the Town Clerk with the information on increased fines for parking tickets and also, increased fines for multiple violations regarding barking dogs.

Purchase of Two (2) Snowplows

A discussion ensued between the Highway Superintendent and Town Board about funding for two (2) snowplows to be ordered in 2005 but paid for in 2006, including Bond Anticipation Note procedures and costs. Selling two (2) old snowplows will more than make up the cost of the BAN. Town Board consensus was reached for the Highway Superintendent to proceed and the Supervisor will obtain the BAN documents from Bond Counsel. Councilman Backman said that the Highway Superintendent will have to live with a specific number of dollars for trucks for fiscal year 2006, minus these two (2) new trucks and he asked the Highway Superintendent if he was okay with it. “For the time being, yes,” responded Superintendent Cleveland. Councilman Backman said he’d go

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along with the purchase if the Town Board locks in the Highway Department budget this fall for fiscal year 2006 at \$300,000.

Competitive Bid Results – Higby Road Water Project

Highway Superintendent Cleveland announced that the May 27, 2005 bid results for the Higby Road Water project should be available by June 6, 2005 and asked that the Town Board consider a special meeting next week. The Board tentatively set Monday, June 6, 2005 at 7:00 P.M. in Butler Memorial Hall as the special meeting.

Authorization for Competitive Bids – 2006 Pick-up Truck with Trade-in

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

(RESOLUTION NO. 151 OF 2005)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of one (1) new 2006 Pick-up Truck, in accordance with Town specifications, including trade-in of one (1) 2003 Ford F-250 Pick-up Truck; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Wednesday, June 15, 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 Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

Pre-Development Agreement – Benderson Development Corp. Retainer

Benderson Development Corporation has requested the release of their \$100,000 retainer in connection with construction of the Consumer Square Shopping Mall; however, the Highway Superintendent said the Town has not received the required “as-built” drawings.

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After a brief discussion, Town Board consensus was to hold the entire retainer amount until the “as-built” drawings are received.

Training School

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

(RESOLUTION NO. 152 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 Anthony DeCuffa, Deputy Highway Superintendent to attend the Annual NYS Highway Superintendents Conference from June 5, 2005 through June 8, 2005 in Ithaca, New York, with expenses to be borne by said Town as budgeted; and be it

FURTHER RESOLVED that the Bookkeeper is hereby authorized and directed to issue a check in the amount of Ninety-five Dollars (\$95) to cover the conference registration.

The Resolution was voted upon by roll call as follows:

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

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

Judd Road Connector Impact on Ontario Street (NYS DOT-NIMO)

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

(RESOLUTION NO. 153 OF 2005)

WHEREAS, the NYS Department of Transportation (NYSDOT) Judd Road extension project is anticipated to result in significant changes in traffic patterns; and

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WHEREAS, as a result of the loss of a connector from Route 8 (now NYS Route 787) to New Hartford Street, Ontario Ave, a local residential street, is anticipated to incur significant increases in traffic as both a connector from New Hartford Street to Routes 5 and 12 and the reverse; and

WHEREAS, NYSDOT during the design of the Judd Road project did investigate an Ontario Ave bypass on lands, in part, belonging to NiMo, but did not come to fruition due to the reluctance of NiMo to relinquish lands for this purpose; and

WHEREAS, the increased use of Ontario Ave as a connector was to result in its being reclassified as a Federal Aid Highway, which did not happen; and

WHEREAS, the Town of New Hartford now understands that Niagara Mohawk (NiMo) is reviewing security aspects of its facility on Old Champion Road, and possibly looking to either reduce the amount of land that they own, or reduce the acreage that they will secure via fencing or other security measures; and

WHEREAS, the Town of New Hartford views this as an opportunity to have NiMo and NYSDOT work in concert to investigate both the feasibility and cost of a non-residential connector road between Old Champion Road and NY Routes 5 and 12 on land currently owned by NiMo;

THEREFORE, BE IT RESOLVED that due to the change in traffic patterns caused by the construction of the Judd Road extension, some local roads, Ontario Ave in particular, is anticipated to incur a significant increase in traffic volume; and

RESOLVED that during the initial design of the Judd Road project, a bypass road between Old Champion Road and NY Routes 5 and 12 was investigated, but denied due to the unwillingness of NiMo to relinquish lands to NYSDOT for this purpose; and

RESOLVED that the Town of New Hartford now understands that NiMo is willing to revisit this matter due, in part, for security reasons; and

RESOLVED that the Town of New Hartford does request NiMo and NYSDOT to work in concert to revisit the matter of an Ontario Ave bypass, to ascertain the feasibility of this bypass and to determine the cost associated with said bypass; and

RESOLVED that should the study recommend that the bypass be built, that NYSDOT incorporate the cost of same into the Judd Road extension project.

The Town Board was polled, voting as follows:

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

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

Road Dedication – Applewood Community Development

The Highway Superintendent recommended acceptance of certain roads and/or portions thereof not previously accepted in the Applewood Community Development, Attorney Rossi having reviewed road dedication documents received to date. In response to the Town Clerk’s inquiry, Attorney Rossi acknowledged receipt of all required documents as set forth in Town Code, Chapter 102 [Streets and Sidewalks], Section 102-7K with the exception of the Highway Superintendent’s letter of approval. Thereafter, Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 154 OF 2005)

WHEREAS, the following documents have been received by Attorney for the Town, Vincent J. Rossi, Jr., and Senior Engineering Technician John Meagher for dedication of various roads in the Applewood Community Development:

- Certification by Developer’s engineer**
- Letter of approval by the Town Engineer
- Warranty deed describing each street**
- Warranty deed for stormwater easement**
- Letter of approval by the Attorney for the Town
- Copies of final approved plans
- Copies of as-built drawings

[Note: ** As of June 15, 2005 neither Applewood developer John Barkett nor his Attorney had furnished these items to Attorney Rossi.]

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby accept and dedicate as public highways the following streets, or portions thereof, in the Applewood Community Development and for the distances set forth, as fully described in a Warranty Deed dated, 2005:

- Annie’s Way, Phase II – Sections 5 and 6
- Susan Drive, Phase II – Sections 5 and 6

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- Patricia Drive. Phase II – Sections 5 and 6
- Norma Drive, Phase II – Sections 5 and 6

and be it

FURTHER RESOLVED that the said Town Board does hereby accept a permanent right of way and easement for stormwater retention purposes, as referenced on the plat map on file in the Town Engineer’s Office; and be it

YET FURTHER RESOLVED that, upon receipt of the Highway Superintendent’s letter of approval, Vincent J. Rossi, Jr., Attorney for the Town be, and he hereby is, authorized and directed to record the necessary documents relating to public dedication of the aforesaid highways and easements in the Office of the Oneida County Clerk, with the originals then to be filed permanently with the Town Clerk’s Office.

Upon roll call, the Town Board voted as follows:

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

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

Surplus Vehicle – Senior Citizen Bus

The following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 155 OF 2005)

RESOLVED that the New Hartford Town Board does hereby declare as surplus one (1) 1995 Ford Passenger Bus, Model 35C, VIN 1FDKE30H9SHB62081 and does hereby authorize and direct the Town Supervisor to sell said surplus vehicle in “as is” condition, with no express guarantees or warranties implied; said vehicle to be placed near the roadside with a FOR SALE sign on it.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

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

Councilman Waszkiewicz' Agenda item

- Property Assessments listed on the Town's Official Website – Councilman Waszkiewicz will draft a press release to the Observer Dispatch about posting property assessments on the Town's Website.

After a brief discussion, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 156 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct that a new domain site be purchased for posting the Town's assessment roll on the Town's Website, www.town.new-hartford.ny.us.

Upon roll call, the Town Board voted as follows:

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

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

TOWN CLERK:

Executive Session - Medical history of particular employee

The Town Clerk requested to enter into Executive Session at the end of the meeting to discuss the medical history of a particular employee.

Appointments – Student Workers

Upon recommendation of the Town Clerk who had processed her request through the Personnel Assistant, the following Resolution was offered for adoption by Councilman Backman and duly seconded by Councilman Butler:

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(RESOLUTION NO. 157 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint KayCie D. Simmons and Benjamin J. Trudeau as Student Workers in the Town Clerk's Office at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly, commencing June 20, 2005 and ending Labor Day weekend 2005.

The Town Clerk polled the Board members who voted as follows:

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

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

Raffle Consent

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

(RESOLUTION NO. 158 OF 2005)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Carmelite Guild of St. Joseph's Nursing Home, 2535 Genesee Street, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at the Sangertown Square Shopping Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

FURTHER RESOLVED that the Town Clerk be, and she hereby is, authorized and directed to execute Form GC-RCF, Raffle Consent Form.

Upon roll call, the Town Board voted as follows:

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

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

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MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda items:

- Annexation of New York Mills – joint meeting rescheduled to be determined pending Planning Board project approvals
- Letter to the State Representatives requesting an update on the status and their position regarding the Cap of Assessment Changes, the “Save Our Home” legislation, and the effort to restructure the way schools and education are funded – brief discussion, no action at this time
- Grant Writer either the Town of New Hartford or 501 C 3 – Sub-committee needs to meet with 501 C 3 Committee to address a cohesive plan
- Establish 2 New Citizen Committees – to collect and analyze the comparable costs and benefits data as developed with the Inter-municipal Comparison Spreadsheet; table this – Spreadsheet with “Quality of Life” survey responses received to date forwarded to the Board 5-26-2005 – addressed earlier in the meeting
- Nuisance abatement legislation – the sub-committee is still reviewing options; a recommendation was not available at the time of this agenda printing. Councilmen Woodland and Waszkiewicz have added this topic to their respective neighborhood meetings
- Taking credit cards for fines and Court Payment – currently researching logistics for implementing payment of fines by credit card with the Chief Justice

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

(RESOLUTION NO. 159 OF 2005)

RESOLVED that, pursuant to Section 212(2)(j) of the New York State Judiciary Law and the terms of the Agreement between the New York State Unified Court System (“UCS”) and Key Bank (Key Merchant Services) of New York (“KEY”) executed on behalf of KEY by Mr. Jeffrey Bauer, Vice President, September 30, 1997, and as amended by letters dated April 14, 1999, February 02, 2000, April 04, 2002, April 14, 2003, May 26, 2004 and November 17, 2004 (copies provided via program booklet, “New York State Unified Court System Vehicle & Traffic Law Credit Card Program for Participating Town & Village Courts”), the Town of New Hartford wishes to participate in said Agreement for the purpose of processing the payment of Vehicle & Traffic fines, bail and pre-arraignment bail, and criminal fines, mandatory surcharges and crime victim assistance fees via credit card device; and be it

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FURTHER RESOLVED that the Justice Court of the Town of New Hartford hereby acknowledges it has received a full and complete copy of the documents comprising the Agreement, as listed in Paragraph 1 above and agrees to the terms and conditions thereof; and be it

YET FURTHER RESOLVED that it is understood and agreed that the Town of New Hartford will be solely responsible for the payment(s) of all fees and charges noted in the Agreement, and in any subsequent amendments thereto. Invoicing by KEY shall be by direct billing to the Town of New Hartford and payments thereof directly by said Town to KEY. Under no circumstances shall the State of New York, Unified Court System or Office of the State Comptroller be liable for any fees or charges incurred by the said Town. The Unified Court System assumes no liability, financial or otherwise, with respect to the participation of the Town of New Hartford in the Agreement.

Upon roll call, the Town Board voted as follows:

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

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

- Mohawk Valley Water Authority – meeting scheduled for June 9, 2005 for approval to use the unused holding ponds in the Southern Reservoir system for stormwater management detention basins
- Adelphia Cable – recent sell-out to Comcast and Time-Warner; Councilman Waszkiewicz inquired if Town should look into hiring a specialist to protect the Town’s position or appoint a Cable Commission. Councilman Backman said Adelphia was obligated under its Franchise Agreement to wire the Town and one of his constituents was told it would cost \$1300 – Adelphia filed bankruptcy and is being bought by Time-Warner, hope that Adelphia won’t stall and then Time-Warner has no obligation to wire the roads.
- Town News Letter – distributed copies of the New Hartford Central School District, the Town of Frankfort and the Village of New York Mills Quarterly news letters; believed New Hartford residents need better communication and more information from Town Government. Copies to be filed with Town Clerk
- Letter of Congratulations for the New Hartford Chamber of Commerce Scholarship Winners: Salik Zaki and Noah Dinerstein; and the Sheldon Storrier Public Communications Scholarship: Andrew Donovan – Board consensus to send letters of congratulations to each recipient.

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MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 160 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. 18	
Vouchers AA782-AA785; AA844	\$ 3,965.39
General Fund Whole-Town Abstract No. 19	
Vouchers AA787-AA832; AA839-AA843;	
AA845-AA852; AA866	\$ 66,126.08
General Fund Whole-Town (Police) Abstract No. 19-A	
Vouchers AA833; AA838; AA853 (Void);	
AA854-AA865	\$ 26,323.64
General Fund Part-Town Abstract No. 13	
Voucher BB75-BB82	\$ 5,596.22
Highway Fund Part-Town Abstract No. 12	
Voucher DB261-DB284	\$ 34,883.82
Sewer Fund Abstract No. 13	
Voucher SS36-SS43	\$ 82,267.50
Capital Drainage Fund Abstract No. 7	
Vouchers HC25-HC26	\$ 1,804.80
Higby Road Water Capital Abstract No.	
Voucher HF8	\$ 46,877.26
TOTAL:	\$267,844.71

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**.

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Community Map – Paid by ads from Town businesses

Area businesses have sent about \$3,000 to \$4,000 for advertisement to the Pennsylvania company and which monies were to pay for the update and printing of the New Hartford Community Map; there was no cost to the Town. This company went out of business and the Supervisor's attempts to reach them have been in vain. The question of inter-state commerce arose because money was sent over the state boundary. The Pennsylvania company had contacted area businesses that sent the money. It was Town Board consensus that Attorney Rossi begin some investigative work and to consult with the Town Police Chief who might be able to contact the police in Pennsylvania.

Settlement Agreement and General Release – Former Patrolman Kevin P. Collins

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

(RESOLUTION NO. 161 OF 2005)

RESOLVED that the New Hartford Town Board does hereby approve the *Settlement Agreement and General Release*, prepared by Bond, Schoeneck & King, PLLC, in the matter of the Application of Kevin P. Collins, Petitioner, for an Order Pursuant to Article 75 of the Civil Practice Law and Rules, Vacating an Arbitration Award, against the New Hartford Police Department and the Town of New Hartford, Respondents, and does further authorize and direct the Town Supervisor to execute said document in behalf of the Town and its Police Department.

Town Clerk Gail Wolanin Young polled the Board members who voted as follows:

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**.

Economic Development – Effect on School District

As a result of the recent interest in the Preswick Glen Municipal Service Agreement (MSA), Supervisor Humphreys received a request from the New Hartford Central School District asking that they be notified about anything the Town does/project that may or may not have an impact upon their School District. The Town Clerk will add two School e-mail addresses for distribution of future Town Board meeting agenda.

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EXECUTIVE SESSION

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

(RESOLUTION NO. 162 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the medical history of a particular employee and negotiations relative to the proposed Cedarbrook Project and the proposal the Town might offer them.

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, were then excused from the meeting at 10:05 P.M. The Town Clerk was excused from Executive Session at 10:17 P.M.

[NOTE: The Town Supervisor provided the following on Thursday, June 2, 2005.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 163 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.

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The Supervisor declared the Resolution unanimously carried and duly *ADOPTED*; the Executive Session ended at 10:50 P.M. The regular portion of the Town Board meeting was immediately reconvened.

Hourly Stipend – Deputized Employee

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

(RESOLUTION NO. 164 OF 2005)

WHEREAS, due to medical reasons, Deputy Town Clerk II Nancy E. Kneller has submitted her letter of resignation to the Town Clerk; and

WHEREAS, the Town Clerk has deputized Sub Clerk Andrea K. Toomey, former Deputy Town Clerk I, on a part-time interim basis until a full-time replacement is appointed;

NOW, THEREFORE, BE IT RESOLVED that, upon recommendation of the Town Clerk, the New Hartford Town Board does hereby authorize and approve an hourly stipend of One Dollar and Fifty Cents (\$1.50) while Ms. Toomey serves in the Deputy position, effective June 2, 2005, said stipend to be paid from the Deputy Town Clerk II budget line item, A1410.13. Said stipend is in addition to Ms. Toomey’s regular hourly wage as Sub Clerk.

The Town Board then voted upon roll call:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Butler and seconded by Councilman Woodland, the meeting was adjourned at 10:56 P.M.

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Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk