

**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,
JULY 6, 2005 AT 7:10 P.M.**

The Town Supervisor called the meeting to order at 7:10 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 John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

ABSENT: Councilman Donald C. Backman

OTHER TOWN OFFICIALS: Codes Enforcement Officer Gerald F. Back
Director of Senior Services M. Eileen Spellman
Deputy Highway Superintendent Anthony DeCuffa
Town Clerk Gail Wolanin Young, CMC/RMC
Town Police Chief Raymond Philo

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

MINUTES APPROVAL

June 1, 2005 Town Board Meeting

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

(RESOLUTION NO. 181 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 **June 1, 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	-	ABSENT
Supervisor Humphreys	-	Aye.

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

June 6, 2005 Town Board meeting

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

(RESOLUTION NO. 182 OF 2005)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Special* Town Board meeting held **June 6, 2005** and does further waive the reading of same.

Upon roll call, the Board members voted as follows:

- | | | |
|---------------------------------------|---|--------------------------|
| Councilman Waszkiewicz | - | Aye |
| Councilman Butler | - | ABSTAINED because he had |
| not attended the June 6, 2005 meeting | | |
| Councilman Woodland | - | Aye |
| Councilman Backman | - | ABSENT |
| Supervisor Humphreys | - | Aye. |

The Resolution was declared carried and duly *ADOPTED*.

June 15, 2005 Town Board meeting

Action on the June 15, 2005 minutes was tabled until the July 20, 2005 Town Board meeting.

PUBLIC PRESENTATIONS

Insurance – Damaged Vehicle Tire

While traveling along Elm Street in Chadwicks, Norman Benton damaged his vehicle tire on a stormwater grate; and because no prior written notice had been provided the Town in accordance with Town Code (Chapter 80, Section 80-1), the Town’s insurance company denied reimbursement to Mr. Benton. Subsequently, the Town Highway Department repaired the grate after talking to a nearby resident who had noticed the problem but had not notified the Town of its existence. A Town Police Officer had also made an on-site inspection after the tire had been damaged; and Supervisor Humphreys stated that while the Town isn’t legally responsible to Mr. Benton, perhaps the Town is morally responsible. Because the tire wasn’t new, Mr. Benton expressed a willingness to negotiate and thought the Supervisor’s tentative offer of forty dollars (\$40) was fair. After some discussion, the Town Board was concerned that by negotiating with Mr. Benton, that if something terrible happened in the future, that it could set a precedent and

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expose the Town to liability in the future. Attorney Rossi, who was out of Town, will be consulted and if he believes it won't set a precedent, some Board members said they would vote in favor of reimbursing Mr. Benton.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Appointments – Substitute Bus Drivers

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

(RESOLUTION NO. 183 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Reginald Wehrle and John Shaw as Substitute Bus Drivers for the New Hartford Adult Dining & Activity Center, retroactive to June 28, 2005 and at an hourly wage of Eleven Dollars and Two Cents; all wages to be paid bi-weekly:

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

CODES ENFORCEMENT OFFICER:

Property Maintenance – Lawn Mowing Quotes

At the direction of the Town Board, the Codes Department had contacted several private contractors for quotes to mow lawns of abandoned properties but none of the contractors responded. However, an individual interested in this matter had contacted Codes Enforcement Officer Gerald Back; Attorney Rossi had expressed concern because an individual would not have liability insurance to protect him/herself and the Town.

Property Maintenance – 13 Dixon Road

Codes Enforcement Officer Gerald Back reported that this matter would be heard in Town Court either July 11 or July 13, 2005.

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Property Maintenance – 3 Francis Road

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

(RESOLUTION NO. 184 OF 2005)

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 3 Francis Road (Tax Map Parcel No. 328.016-1-8 and 328.016-1-9), New Hartford, New York owned by Mortgage Electronic System whose last known address is 5280 Corporate Drive, Frederick, Maryland 21703; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owner via certified mail with no response forthcoming;

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 3 Francis Road 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.

Thereafter, the Town Board voted upon roll call:

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

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

DISPATCH/TELECOMMUNICATOR SUPERVISOR:

Authorization for Competitive Bid – Lightning Strike of June 10, 2005

Upon request of Telecommunicator Supervisor Jeffrey Madden, Councilman Waszkiewicz presented the following Resolution and moved its adoption, which was seconded by Councilman Butler:

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(RESOLUTION NO. 185 OF 2005)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of the following:

- One (1) Emergency/Standby Power System – Generator Set
- One (1) Emergency/Standby Power System – Transfer Switch
- Installation of Emergency/Standby Power System – Generator Set and Transfer Switch

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 Friday, July 29, 2005 and then shall be publicly opened and read aloud at 11:00 A.M. on said date in the Community Meeting Room of Butler Memorial Hall; 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.

Telecommunicator Supervisor Jeffrey P. Madden will work with the Town Clerk on preparing the Bid Specification packages. Thereafter, the Town Board voted upon roll call as follows:

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

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

Authorization to Purchase Voice & Phone Recorder

Upon further request of the Telecommunicator Supervisor, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 186 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Telecommunicator Supervisor Jeffrey P. Madden to purchase a voice and phone recorder to replace that equipment damaged by a lighting strike in June 2005, with the estimated

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\$7200-\$7800 cost of said equipment expected to be recovered through the Town's insurance policy, minus any applicable deductible amount.

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

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

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

DEPUTY HIGHWAY SUPERINTENDENT:

Agreement for Engineering Services - Wadsworth Road Stormwater Interceptor Area

Upon presentation by Deputy Highway Superintendent Anthony DeCuffa, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 187 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 between the Town of New Hartford and Shumaker Consulting Engineering and Land Surveying, PC, 181 Genesee Street, Utica, New York 13501-2168, wherein said Shumaker shall provide professional services relating to the mitigation of stormwater matters for the area formerly known as the Wadsworth Road Interceptor, at a cost not to exceed the Four Thousand Dollars (\$4,000) received by the Town through a State Legislature member item.

The foregoing Resolution was voted upon by roll call, resulting as follows:

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

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

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Agreement for Engineering Services – Pump Station Upgrades, Contract 2

Upon further presentation of the Deputy Highway Superintendent, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Butler:

(RESOLUTION NO. 188 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 between the Town of New Hartford and Shumaker Consulting Engineering and Land Surveying, PC, 181 Genesee Street, Utica, New York 13501-2168, wherein said Shumaker shall provide construction phase field services on an as-needed basis for the construction contract awarded to Bat-Con, Inc. for construction of upgrades to the Homestead Road pump station and installation of approximately 1400 lineal feet of new sanitary force main; said contract with Shumaker shall not exceed Twenty-two Hundred Dollars (\$2200).

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

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

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

Competitive Bid/Return of Bid Deposits – 2006 Pick-up Truck

In behalf of the Highway Superintendent, Deputy Superintendent DeCuffa presented the following Resolution for adoption, moved by Councilman Butler and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 189 OF 2005)

WHEREAS, on June 15, 2005 the Town of New Hartford received and opened sealed bids for the purchase of one (1) new, 2006 Pick-up Truck (Alternate No. 1 without trade-in and Alternate No. 2 with trade-in); and

WHEREAS, on June 15, 2005 the New Hartford Town Board accepted the sole bid submitted by Nye Automotive Group;

NOW, THEREFORE, BE IT RESOLVED that said Town Board does hereby authorize and direct the Town Bookkeeper to refund to Nye Automotive Group their bid

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security of One Thousand Two Hundred Thirty-four Dollars and Twenty Cents (\$1,234.20) from the Trust and Agency Account *contingent, however, upon the Highway Superintendent furnishing the Town Clerk with written verification that the 2006 Pick-up Truck has been delivered, the date of delivery and that the vehicle meets all Town specifications.*

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

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

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

Purchase of Two (2) Snowplows

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

(RESOLUTION NO. 190 OF 2005)

RESOLVED that, upon request of the Highway Superintendent, the New Hartford Town Board does hereby authorize Superintendent Cleveland to purchase on State Contract PC60769, two (2) 2006 International Trucks, Model 7600, 4 x 2, from Stadium International, Syracuse, NY at a maximum cost of Two Hundred Twenty Thousand Four Hundred Sixty-eight Dollars (\$220,468), the cost of which will be financed in accordance with a Resolution adopted June 15, 2005.

Upon roll call, the Town Board members voted as follows:

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

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

Surplus Vehicle – “Senior” Bus/1995 Ford, Model 35C, VIN 1FDKE30H9SHB2081

Deputy Highway Superintendent DeCuffa will be meeting with an auctioneer the week of July 11, 2005 and asked the Town Board for their “bottom line” sale price on the surplus

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bus, formerly used by the New Hartford Adult Dining and Activity Center. Having no monetary value at hand, the Board directed the Deputy Highway Superintendent to determine the book value tomorrow and then discuss the matter with the Public Works Committee.

Curbside Trash Collection

The Deputy Highway Superintendent reported that the Curbside Trash Collection was a success and has been completed for the year; the amount of trash seemed heavier than last year. There were few violators – about 4 out of entire Town but they’ve now been cleaned up.

Councilman Butler Agenda Item – Proposed Stop Sign

Councilman Butler had received a constituent request for a stop sign at Barley Mow Run and Woodberry Road; the matter was referred to the Police Chief and Highway Superintendent for their written recommendation.

Councilman Waszkiewicz Agenda Item – Judd Road

At the request of Councilman Waszkiewicz, Deputy Highway Superintendent DeCuffa will check into the possibility of having signs erected along the new Judd Road bypass, announcing “entering Town of New Hartford” and also streets such as Campion Road/New Hartford Street, Burrstone Road, etc.

PARKS AND RECREATION DIRECTOR:

Appointments – Seasonal Employees (New and Upgrades)

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

(RESOLUTION NO. 191 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, appointments varying, some retroactive to June 27, 2005 and ending September 2, 2005; all wages to be paid bi-weekly:

Parks – A7110.14

NAME	POSITION	RATE OF PAY
Jason Stafanski	Park Laborer I	\$ 7.40/hour

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Playgrounds – A7140.11

Mercy Tomy	Tennis Instructor	\$11.50/hour
Kevin Schreve	Tennis Instructor	\$11.50/hour
Sue Odin	**Substitute Bus Driver	\$11.00/hour

Swim – A7230.1

Erica Masi	Upgrade to Lifeguard/WSI	\$ 8.00/hour
Kathryn Karl	Upgrade to Certified WSI	\$ 9.00/hour

**Subject to approval by the Oneida County Department of Personnel.

Whereupon, the Town Board voted upon roll call:

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

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

TOWN CLERK:

Executive Session – Employment history of prospective employee

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

Fireworks Display Permit - Fornino

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

(RESOLUTION NO. 192 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Clerk, who has received an Application for a Fireworks Permit and the appropriate Certificate of Insurance naming the Town of New Hartford as an additional insured, to issue to Majestic Fireworks, Inc., 29 College Street, Clinton, New York a Fireworks Display Permit for the display of fireworks upon premises owned by Michael Fornino at 126 Powell Ave, Whitesboro (Town of New Hartford Tax Map No. 316.016-5-2.2), on Saturday, July 9, 2005 at dusk, in accordance with the State Penal Law and regulations set forth in said Permit.

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The Town Police Chief had made an on-site inspection of the premises and verified that the Forninos had permission from their neighbor to use part of their premises. Thereafter, the Town Clerk polled the Board members who voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda items:

- Annexation of New York Mills – joint meeting rescheduled to the Town’s regular Board meeting night, August 3, 2005 at 6:00 P.M., Kellogg Road Community Center Building
- Property Assessments – Listed on the Town’s Official Website – issue press release. Meeting set with consultant on July 12, 2005 at 11:00 A.M. in Butler Hall to discuss format and process for roll purification
- Recreation path dedication in honor of Philip Rayhill – Parks Citizen Committee is reviewing proposed language for the Plaque. NYS DOT has confirmed they will supply the rock monument; the Parks and Recreation Director is obtaining cost quotes on the final version of the plaque which were unavailable at time of agenda submission
- Grant Writer – Submitting quote for writing grant application for Dispatch
- Adopt-A-Roadway – Pamphlet development in process
- Budget Process and Citizen Committee – Establish timeline and process. See last years e-mail directed to Town Board members by Councilman Waszkiewicz
- Taking credit cards for fines and Court Payment – Chief Justice implementing as soon as possible
- Oneida-Herkimer Counties Empire Zone Board Review – Information from last meeting, copies of minutes and new development policy has been submitted to the State for approval
- Adelphia Cable – recent sell-out to Comcast and Time-Warner; because Attorney Rossi was out of Town, there was no update to this matter
- Town News Letter – will distribute press release for announcing that the Town is looking for volunteers

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- Mohawk Valley Water Authority – notification list for programmed water projects, line cleanings, etc. The MVWA sends media releases to: Observer Dispatch, WKTV, WIBX, WLZW, WOUR, WADR, WUTQ, WLFH, WBGK, WTLB, WPNR
- Parking Ticket process – Fines, penalties, towing and amnesty; discussion of proposed amendment to Town Code and also an amendment of State law that might affect the Town.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 193 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. 21 Vouchers AA914-AA922	\$ 4,137.89
General Fund Whole-Town Abstract No. 22 Vouchers AA923-AA993; AA1025-AA1029	\$ 49,626.97
General Fund Whole-Town (Police) Abstract No. 22A Vouchers AA994-AA1024; AA1030	\$ 32,437.21
General Fund Part-Town Abstract No. 15 Voucher BB87-BB98	\$ 2,707.73
Highway Fund Part-Town Abstract No. 14 Voucher DB309-DB339	\$ 41,895.82
Sewer Fund Abstract No. 5 Voucher SS48	\$ 881.00
Sewer Fund Abstract No. 16 Vouchers SS49-SS56	\$ 10,791.80
Capital Drainage Fund Abstract No. 9 Vouchers HC40-HC45	\$ 607.85
Capital Drainage Abstract No. 10 Voucher HC46	\$ 4,000.00
TOTAL:	\$147,149.27

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Whereupon, the Town Board members voted individually as follows:

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

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

Higby Road Water District – Minority & Women’s Business EEO Officer Resignation

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

(RESOLUTION NO. 194 OF 2005)

WHEREAS, on October 20, 2004 the New Hartford Town Board adopted Resolution No. 351, appointing Gail Wolanin Young, CMC/RMC, Town Clerk as the local Government Official or Minority Business Officer responsible for administering the Minority and Women’s Business-Equal Employment Opportunity (M/WBE-EEO) program for the Town of New Hartford Higby Road Water District; and

WHEREAS, Town Clerk Gail Wolanin Young had accepted this appointment provided she was properly educated and trained to carry out the duties associated with being the M/WBE-EEO Officer; and

WHEREAS, because the Town Clerk has not received the training required and because of the increased office workload created by a vacancy in the Town Clerk’s Office together with administration of the Files Management Grant and implementation of the Town-wide Dog Enumeration and licensing, the Town Clerk has resigned as M/WBE-EEO Officer;

NOW, THEREFORE, BE IT RESOLVED that, upon recommendation of Supervisor Humphreys, the New Hartford Town Board does hereby appoint Personnel Assistant Barbara Aiello as M/WBE-EEO Officer to fill the vacancy in such temporary position.

Upon roll call, the Town Board voted as follows:

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

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Supervisor Humphreys - Aye.

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

Cristiano Certiorari Settlement - Refund

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

(RESOLUTION NO. 195 OF 2005)

WHEREAS, in the matter of the application of Antonio and Marie Cristiano, Petitioners, vs. the Town Assessor, the Board of Assessment Review and the Town of New Hartford, an Order was filed in the Oneida County Clerk's Office on October 26, 2004, reducing the assessment on Tax Map No. 340.003-1-25 from \$275,000 to \$262,000 for Tax Year 2002; and

WHEREAS, in the matter of the application of Frank and Sue Cristiano, Petitioners, vs. the Town Assessor, the Board of Assessment Review and the Town of New Hartford, an Order was filed in the Oneida County Clerk's Office on October 26, 2004, reducing the assessment on Tax Map No. 340.003-1-26 from \$349,000 to \$330,000 for Tax Year 2002; and

WHEREAS, the Orders of Stipulation for each of the above-referenced applications erroneously provided that no refunds would be due for the 2002 taxable year;

NOW, THEREFORE, BE IT RESOLVED that, based upon the June 1, 2005 written communication from the Cristiano's attorney, John A. Longieretta explaining that the no refund clause was an error, the New Hartford Town Board does hereby approve and authorize a tax refund to the respective Petitioners based upon the amount of assessment reduction for taxable year 2002.

Whereupon the Town Board voted as follows:

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

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

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Proposed job title revision – Bus Driver/Food Service Helper

Supervisor Humphreys initiated discussion on a possible new job title that would allow the Director of Senior Services to utilize a bus driver for food service help when the employee isn't driving. Because this proposed job title change had not been discussed with the affected employees, no action was taken at this time. As a member of the Senior Citizen Standing Committee, Councilman Waszkiewicz will notify the employees.

Proposed Longworth Acres – Water Service/Mohawk Valley Water Authority

After considerable discussion, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 196 OF 2005)

WHEREAS, the Estate of Owen and Alice Owens, owners of the Longworth Acres subdivision (Tax Map No. 339.000-2-21.1), and Developer William Virkler have offered land to the Mohawk Valley Water Authority (MVWA) for a water tank site and pump station; and

WHEREAS, said owners/developer have also offered easements to the MVWA to provide access to the water tank site and pump station, between Snowden Hill Road and Tibbitts Road, and for the installation of water lines at this location for operation of the system; and

WHEREAS, said owners/developer have offered the above lands and easements in exchange for domestic water service to as many lots as possible in the Longworth Acres development within the MVWA permissible pressure for water and fire; and

WHEREAS, said owners/developer intend to create a water transportation corporation to supply domestic water **only** to the remaining lots in the Longworth Acres development; and

WHEREAS, the individual deeds for lots within the Longworth Acres water transportation corporation shall contain language acknowledging that neither the Town of New Hartford nor the MVWA are responsible for supplying water for fire protection services and will also include a clause indemnifying said Town and MVWA in this regard; and

WHEREAS, the Town of New Hartford conducted an informal neighborhood meeting on July 6, 2005 from 6:00 P.M. to 7:00 P.M. in the Kellogg Road Community Center Building in said Town to which affected property owners were invited to discuss the location of the proposed water tank and pump station; and

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WHEREAS, at said July 6, 2005 informal neighborhood meeting none of the following participants objected to the proposed plans and improvements:

- Ronald Kutty, 3831 Snowden Hill Road
- Edward Koslick, 3825 Snowden Hill Road
- Stanley Dzialo, 3846 Snowden Hill Road
- Carolyn and William Fahy, 3842 Snowden Hill Road
- Dorothy Tuttle, 3880 Snowden Hill Road
- Richard J. Kaminski, 3852 Snowden Hill Road
- Charles and Barbara Couture, 9064 Tibbitts Road
- Developer William Virkler, 2 Eagle Ridge Drive
- Donald Ehre, P.E., 154 Oxford Road
- Alfred and Eileen Lavier, 3813 Snowden Hill Road
- New Hartford Fire Chief David Reynolds, 15 Pearl Street

and

WHEREAS, the Town gave the participants until Friday, July 8, 2005 to contact the Town Supervisor with any concerns and/or objections;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby support the Longworth Acres development and the MVWA project and does hereby urge the MVWA to approve the Longworth Acres water transportation corporation and to go forward with their water tank project on Snowden Hill Road.

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

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

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

REPORTS OF TOWN OFFICIALS (CONT'D)

POLICE CHIEF:

Speed Limit Reduction Request – NYS Route 5 (aka Seneca Turnpike)

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

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(RESOLUTION NO. 197 OF 2005)

RESOLVED that the New Hartford Town Board does hereby request the New York State Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to reduce the existing speed limit at which vehicles may proceed on New York State Route 5 (aka Seneca Turnpike), a State highway, between the vicinity west of Woods Road easterly to the current forty (40) mile per hour sign in front of the former Alfredo's Banquet Hall, for the following reasons:

- High traffic volume
- Current developments pending before the Town Planning Board
- Lane compression.

The foregoing Resolution was voted upon by roll call, as follows:

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

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

Animal Control – Sick wildlife complaints

Police Chief Philo informed the Board that the Police Department/Animal Control Office is receiving a steady stream of complaints about sick wildlife...nearly everyday.

Appointment – Police Officer, full-time

Upon recommendation of the Town Police Chief, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Woodland:

(RESOLUTION NO. 198 OF 2005)

WHEREAS, a vacancy exists in the position of Town Police Officer due to Officer Kevin Collins leaving the Town's employment;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve the lateral transfer of Andrew Allen to fill said vacancy effective Monday, August 8, 2005, at the salary consistent with the current bargaining agreement for the Police Department.

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Whereupon, the Town Board voted upon roll call:

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

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

Promotion – Police Sergeant

Upon further recommendation of Police Chief Philo, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 199 OF 2005)

WHEREAS, a vacancy exists in the position of Sergeant due to the June 2005 retirement of Police Officer Daniel Appler;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Police Officer Michael Inserra to fill said vacant position, effective Sunday, July 10, 2005 at the salary consistent with the current bargaining unit.

The Town Board then voted upon roll call, resulting as follows:

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

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

Contingent Permanent Appointment - Sergeant

Upon recommendation of the Town Police Chief, Councilman Butler introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 200 OF 2005)

WHEREAS, an opening in the position of Sergeant exists due to a work-related injury incurred by Officer Richard Hammond who is on disability leave; and

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WHEREAS, Rule XVI (Temporary/Provisional Appointments) of the New York State Civil Service Rules and Regulations provides that a contingent permanent appointment can be made when a position is left temporarily vacant by the leave of absence of the permanent incumbent, through the use of an open competitive or promotion eligible list; and

WHEREAS, said Rule XVI provides that if the permanent incumbent returns from leave of absence, the person holding the position on a contingent permanent basis shall be displaced before any person holding permanent status in the same title regardless of total seniority;

NOW, THEREFORE, BE IT RESOLVED that, pursuant to NYS Civil Service Rule XVI and upon recommendation of the Town Police Chief, the New Hartford Town Board does hereby approve a contingent permanent appointment of Police Officer Paul Colburn as Sergeant with the understanding that should Officer Richard Hammond return to work, the Officer Hammond will return to the position of Sergeant. It is further understood that the Board's action is merely filling a temporary vacancy, not creating a new position in the Town Police Department.

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

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

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

Assignment – Juvenile Aide Officer

The Town Police Chief apprised the Board that Officer Edward Schmidt will now take command of the Juvenile Aide Division of the Town Police Department, replacing Officer Richard Salamone whose work at the Oneida County Sexual Abuse Task Force is reimbursed to the Town by Oneida County.

Training

Upon request of Police Chief Philo, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 201 OF 2005)

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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 Raymond Philo, Town Police Chief to attend the New York State Association of Chiefs Conference from July 24 through July 28, 2005 in Saratoga, New York, with expenses not to exceed Four Hundred Fifty Dollars (\$450) being borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

Stop or Yield Sign – Barley Mow Run-Woodberry Road Intersection

Having received a constituent requests, Councilman Butler asked the Police Chief to make a recommendation on whether a stop or yield sign might be warranted at the Barley Mow Run-Woodberry Road intersection and whether certain signage might be warranted in another neighborhood.

Quality of Life Survey - Review

The committee appointed to review the Quality of Life Survey forms returned to the Town had met on Monday, June 20, 2005. Results of the various questions had been compiled and from 9:10 P.M. to 9:44 P.M. Nathaniel Richmond reviewed those results with the Town Board.

EXECUTIVE SESSION

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

(RESOLUTION NO. 202 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of a particular person and the Palumbo Assessment Certiorari filed against the Town.

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A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Woodland	-	Aye
Councilman Backman	-	ABSENT
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 9:45 P.M. The Town Clerk remained for the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 203 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	-	ABSENT
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 10:30 P.M. The regular portion of the Town Board meeting was immediately reconvened.

Appointments – Dog Enumerators (Laborers)

Upon recommendation of the Town Clerk, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 204 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Andrew Tubis as a Dog Enumerator (Laborer) effective Monday, July 11, 2005, his application having been

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approved by the Oneida County Department of Personnel; his hourly wage is set at Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly; and be it

FURTHER RESOLVED that said Town Board does hereby appoint Paula Mariano as a Dog Enumerator (Laborer), contingent upon her application being approved by the Oneida County Department of Personnel, effective Monday, July 11, 2005 at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

The Town Board members then voted upon roll call, as follows:

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

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

Appointment – Clerk, Temp/Assessor Office

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

(RESOLUTION NO. 205 OF 2005)

WHEREAS, a temporary vacancy exists in the Assessor’s Office due to the medical leave of Patricia Vasco;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Charles Kobielski as a Clerk/Temporary during the medical leave absence of Patricia Vasco; said appointment is retroactive to June 24, 2005 at an hourly wage of Eight Dollars (\$8).

The Resolution was voted upon by roll call, resulting as follows:

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

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

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Certiorari Settlement – Palumbo Assessment

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

(RESOLUTION NO. 206 OF 2005)

WHEREAS, an Article 78 Proceeding was filed against the Town of New Hartford relating to assessment of property assessment owned by Phyllis A. Palumbo located at 1707 Sherman Drive (Tax Map No. 331.017-4-41) in said Town; and

WHEREAS, the New Hartford Central School will only accept the five-year settlement provided no interest shall be paid on the refund of taxes for the covered years;

NOW, THEREFORE, BE IT RESOLVED that, to facilitate the settlement of this certiorari proceeding, the New Hartford Town Board does hereby accept the following assessment schedule for the Palumbo premises at 1707 Sherman Drive with the stipulation that no interest shall be paid on any tax refund associated with said settlement:

<u>TAX YEAR</u>	<u>TOWN'S ASSESSMENT</u>	<u>SETTLEMENT OFFER</u>
1999	\$475,000	\$450,000
2000	\$475,000	\$450,000
2001	\$539,000	\$520,000
2002	\$539,000	\$520,000
2003	\$539,000	\$520,000.

A roll call vote ensued:

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

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

ADJOURNMENT

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

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Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk