

**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, OCTOBER 5, 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 Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

ABSENT: Councilman David W. Butler

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Planner Kurt Schwenzfeier
Telecommunicator Supervisor Jeffrey P. Madden
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 8:17 P.M.)

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

MINUTES APPROVAL

August 17 and September 7, 2005 Town Board minutes

Action was deferred until the October 19, 2005 Town Board meeting.

PUBLIC PRESENTATIONS

Mailboxes in Highway Right of Way

Dr. Patel asked for the Town Board's opinion regarding the letter property owners had received from the Highway Supervisor regarding mailboxes, which several of the neighbors had built on their property. Dr. Patel explained that the neighbors joined together and did this since they are continually replacing broken mailboxes. Dr. Patel further stated that there are other mailboxes – similar to the structure they built, in other areas of the Town. Supervisor Humphreys explained that State law prohibits structures from being built on the public right-of-way and under the law, the Highway Superintendent has the authority to send these letters. Dr. Atul Butala inquired what constitutes the right-of-way; the Town Supervisor responded that for a Town road, this could be either twenty-five (25) or thirty feet (30') from the center of the road.

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Supervisor Humphreys further stated that the Town Board, and Highway Superintendent were going to meet to see what can be worked out for safety purposes, and respect for the homeowners and try to eliminate the problem from recurring. Dr. Patel stated that the law given to him by the Town only states that decorative pillars are not acceptable and does not mention mailboxes. A meeting will be held where the proposal will be given to the homeowners before a final decision is made. Councilman Waszkiewicz presented two (2) pictures of the mailboxes to which the Highway Superintendent referred. Councilman Waszkiewicz also explained that the Board needs further legal advice on this matter.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

Anniversary Celebration – New Hartford Adult Dining & Activity Center

The Nutrition Center will be celebrating their anniversary on October 14, 2005. The luncheon for this special event will be roast pork.

Flu Shot Clinic

Director Spellman reported that a Flu Shot Clinic would be held on November 3, 2005 from 9:00 A.M. to 11:00 A.M. and 1:00 P.M. to 2:00 P.M. This clinic is open to all ages and the cost is Twenty Dollars (\$20) per shot. The vaccination is free to those people who have Medicaid coverage and Part B of Medicare.

“Make a Difference Day”

- As part of “Make A Difference Day”, four (4) members of the Key Bank staff created a small garden in front of the Adult Dining & Activity Center. This organization provided the flowers and bulbs, did the planting, mulching and raking of the area.
- The New Hartford Seniors, New Hartford Teacher’s Association, St. John’s Church and New Hartford Community Citizens will be holding a “Make A Difference Day” breakfast on October 22, 2005 to help offset the costs involved for sending clothing, which the Center has been collecting, to those in need in New York City.

ASSESSOR:

Software and Pocket PC Purchase

Assessor Smith reported that he is looking into purchasing software as part of “onsite” data collection. The software is reasonable and the purchase would include a Pocket PC and a desktop computer. The cost is approximately One Thousand Dollars (\$1,000). The

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Pocket PC will allow data to be collected on site and then it can be downloaded into the desktop computer. The cost of these computers are in the budget; however, Assessor Smith needs to get the vendor to lower his price for the hand-held PC in order to be able to purchase all that is needed and stay within his budget. This matter will be presented at the next board meeting when Assessor Smith hopes to have the final cost for the equipment.

Real Property Tax Exemption - Millgate Meadows Mobile Home Community

Supervisor Humphreys spoke with the Assessor regarding the tax exemption problem that has affected some residents of the Mobile Home Community. According to Supervisor Humphreys, the daughter of the park's owner said the State advised her that they could do what they are doing. Supervisor Humphreys suggested that the park owner, Robert Swing, get the advice that he received from Albany in writing. Allegedly, Mr. Swing wrote a letter to the residents indicating he would issue rebate checks to all tenants, regardless of whether they had applied for the STAR program. The tenants may be contacting the State directly.

Personnel – Medical Absence

The Assessor reported there is a possibility that Patricia Vasco will be out of work for an extended time due to the necessity for further treatment and he might need to hire someone to assist the office staff since Charles Kobielski, who has been helping with purification and reviewing the property cards, will be needed to assist with fieldwork. Assessor Smith would like to hire someone soon so they will be sufficiently trained to answer questions correctly. The consensus of the Board is for the Assessor to speak with the Personnel Assistant and report to the Town Board at the October 19, 2005 meeting.

HIGHWAY SUPERINTENDENT:

Plow Truck Sanders

Highway Superintendent Roger Cleveland stated that he had received quotes for two (2) trucks in June 2005 but the cost of the sanders for these trucks was not included in the original quote. The additional cost is a total of Twenty-Two Thousand Seven Hundred Dollars (\$22,700). Therefore, the Highway Superintendent requested that Resolution No. 174, adopted June 15, 2005 be amended to include the cost of adding the sanders to these two (2) trucks. Thereafter, Councilman Woodland introduced the following Resolution for adoption seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 279 OF 2005)*See Resolution No. 298
adopted Oct 19, 2005**

RESOLVED that the New Hartford Town Board hereby amends Resolution No. 174 of 2005 authorizing the issuance of Bonds to include the purchase of two (2) Highway

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sanders at a total maximum **cost not to exceed** Two Hundred Forty-three Thousand One Hundred Seventy-four Dollars (\$243,174) for the plows and sanders.

Whereupon, the Town Board voted upon roll call:

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

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

Parks Comprehensive Plan Update

The Town Planner recommended an amendment to the original *peter j. smith* proposal to update the Town's Comprehensive Plan. On Monday, October 3, 2005, the Town Planner, Highway Superintendent, Councilman Waszkiewicz and Planning Board members Hans Arnold and Gerald Green met with *peter j. smith* and reviewed the comprehensive plan proposal. Planner Schwenzfeier stated *that peter j smith & company* would not bill the Town anymore than Forty-Five Thousand Dollars (\$45,000) through the end of this year, which is the amount appropriated in the budget. The Highway Superintendent recommended that the Community Survey be included which would raise the total required for the study to Seventy-Eight Thousand Four Hundred Sixty-Seven Dollars (\$78,467). Oneida County Department of Planning was represented at the meeting. The Highway Superintendent suggested that the Town Planner go through the plan categorizing each item as to those that need to be done this year at a cost not to exceed Forty-Five Thousand Dollars (\$45,000) and anticipate completing the remainder of the study (\$33,467) under next year's budget.

Councilman Backman stated that he would rather spread out the costs, spending Forty-Five Thousand Dollars (\$45,000) this year and then complete the plan next year. Upon the recommendation of the Town Planner, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 280 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Town Planner Kurt Schwenzfeier to review and prioritize those items that need to be completed in fiscal year 2005 on the Town's Comprehensive Plan for parks and recreation facilities at a cost not to exceed Forty-Five Thousand Dollars (\$45,000).

Upon roll call the Board members voted as follows:

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

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

PUBLIC HEARINGS

**8:00 P.M. Hearings on Local Laws Introductory “A” through
“G”, inclusive, of 2005**

Supervisor Humphreys opened the Hearings at 8:00 P.M. on seven proposed local laws. The Town Clerk presented the Notice of Public Hearing, Proof of Publication (September 25, 2005 edition of the Observer Dispatch) and Affidavit of Posting. The Supervisor explained that the purpose of the Hearing was to offer the public an opportunity to speak for or against, or comment upon any of the legislation to be considered at this Hearing.

Local Law Introductory “A” (Vehicle & Traffic - Stop Signs in Applewood Community)

Upon request of the owner of the Applewood Mobile Home Community and upon on-site inspection and consideration by the Police Chief and the Highway Superintendent, Chief Philo and Highway Superintendent Cleveland had recommended that additional stop streets be designated in the mobile home community, together with designation of through streets for motor vehicle traffic, as follows:

- **Through Streets**
 - Annie’s Way at Patricia Drive
 - Annie’s Way at Norma Drive
 - Susan Drive at Patricia Drive
 - Susan Drive at Norma Drive
- **Stop Streets**
 - Norma Drive
 - Patricia Drive

The Town Supervisor inquired if anyone present wished to speak in favor of the proposed legislation. No one having come forth, Supervisor Humphreys asked if anyone wished to speak in opposition, or to comment upon this proposal. No one appeared.

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Local Law Introductory "B" (Vehicle & Traffic - Stop Signs in Thomas Acres)

Upon request of some Thomas Acres residents and upon on-site inspection and consideration by the Police Chief and the Highway Superintendent, Chief Philo and Highway Superintendent Cleveland had recommended that an additional stop street be designated in the Thomas Acres subdivision, together with designation of a through street for motor vehicle traffic, as follows:

- **Through Street**
Fawncrest Boulevard
- **Stop Street**
Haverhill Drive

The Town Supervisor inquired if anyone present wished to speak in favor of the proposed legislation. No one having come forth, Supervisor Humphreys asked if anyone wished to speak in opposition, or to comment upon this proposal. No one appeared.

Local Law Introductory "C" (Vehicle & Traffic - Stop Signs in White Tail Meadows)

Upon request of the owner of the Whitetail Meadows subdivision and upon on-site inspection and consideration by the Police Chief and the Highway Superintendent, Chief Philo and Highway Superintendent Cleveland had recommended that stop streets and through streets be designated in this new subdivision, as follows:

- **Through Streets**
Kay Circle at both entrances to Florence Court
Oneida Street at Kay Circle
- **Stop Intersections**
Florence Court – Traveling South at Kay Circle
Florence Court – Traveling Southeast at Kay Circle
Kay Circle – Traveling East at Oneida Street

The Town Supervisor inquired if anyone present wished to speak in favor of the proposed legislation. No one having come forth, Supervisor Humphreys asked if anyone wished to speak in opposition, or to comment upon this proposal. No one appeared.

Local Law Introductory "D" (Vehicle & Traffic - Barley Mow Run to be a YIELD street)

After receiving a resident request presented by Councilman Butler, the Police Chief and Highway Superintendent had performed an on-site inspection at the intersection of Barley Mow Run and Woodberry Road and taking into consideration the state standards for YIELD signs, recommended the following be designated:

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- **Through Street**
Woodberry Road at Barley Mow Run
- **Yield Street**
Barley Mow Run

The Town Supervisor asked if anyone present wished to speak in favor of or in opposition to the proposed legislation. The following persons spoke:

- **Warren Hall** – *spoke against* the Yield Sign legislation, believing it was needless since there is no increase in traffic in that area
- **David Cocker** – *spoke in favor* of the legislation; at the same time, suggested that a Stop Sign be placed on Barley Mow Run rather than a Yield Sign
- **Peter Blanchfield** – *spoke in favor* stating if motorists kept going and not Yield the vehicle would be in his driveway; a need to slow down the traffic
- **Fran Healy** – *spoke in favor* noting that the traffic and people using Barley Mow Run have changed; anything has to be an improvement

No one further appeared in the matter.

Local Law Introductory “E” (Zoning – Building Inspection Fees)

Upon recommendation of the Codes Enforcement Office, legislation was proposed to institute re-inspection fees in the Zoning Law for the following situations that have been occurring:

- When a request is made for inspection, an inspector responds to the site and the work is not ready to be inspected
- When an inspection is made, corrective measures are directed by the inspector, a schedule established for re-inspection, re-inspection (free of charge) made but defective work is not properly corrected and a still further inspection is necessitated
- When an approved plan is deviated from in the field, the deviation is discovered by an inspector, and re-inspection is necessitated to confirm that the work conforms to the original plan.
- When work is performed in phases and more than one inspection is required before the work is corrected, a maximum \$25.00 charge would apply to this type of inspection

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Having referred this zoning text amendment to the Town Planning Board and Oneida County Planning Department for their review in accordance with law, the Town Clerk presented the recommendation of approval from the Town Planning Board and the no recommendation communication from the County, the latter of which did not identify any county-wide effects from this proposal.

Supervisor Humphreys inquired if anyone present wished to speak in favor of or in opposition to Local Law Introductory "E". Speaking in *opposition* because he believed homeowners would bear the extra cost, Warren Hall inquired what justifies an additional rate. Supervisor Humphreys explained that there are too many problems with contractors not being responsible and being ready for the inspection when the Codes Officer arrives at the site.

No one further spoke in the matter.

Local Law Introductory "F" (Dogs & Pets – Increased Fine for Barking dogs)

This legislation for increased fines was proposed after discussion among Board members and Attorney Rossi who explained the expense incurred by the Town when a dog owner – in violation of Chapter 56 of the Code – fails to appear in Town Court and the case has to be rescheduled and witnesses are required to re-appear, sometimes more than once. Currently, there is only one fee no matter how many times a complaint is received.

Supervisor Humphreys asked if anyone present wished to speak in favor of, in opposition, or to comment upon this proposed legislation:

- Lawrence Parker - asked if it is possible to obtain a copy of this law; he was directed to the Town's Website [Town Code] after the law is adopted and the Code is updated

No one further appeared in the matter.

Local Law Introductory "G" (Vehicle & Traffic – Increased Parking Fines)

After numerous discussions among Town Board members, Attorney Rossi, Town Court Justices and the Police Chief, Local Law Introductory "G" had been introduced, increasing the fine from \$10 to \$25 and if not paid within ten (10) days, the fine increased to \$40. Thereafter, the Supervisor inquired if anyone present wished to speak in favor of, in opposition to, or comment upon this proposal:

- Warren Hall stated that ten (10) days is too short a period to pay for this fine and that it should be increased to twenty-one (21) days.

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Councilman Waszkiewicz noted that the City of Syracuse allows fifteen (15) days in which to respond to a parking permit. A parking ticket is a mail-in item and the receiver of the ticket is not required to appear in Court.

No one further appeared in the matter.

PUBLIC HEARINGS CLOSED

The Public Hearings on Local Laws Introductory "A" through "G" were closed at 8:30 P.M.

PUBLIC PRESENTATIONS

Parking Permits for the Disabled

Warren Hall asked that the Town Board change the regulation that only one (1) Handicapped Parking Permit be issued to eligible applicants. Councilman Backman explained that these permits are regulated by State Law and the Town cannot change this law. Town Clerk Gail Wolanin Young explained what Mr. Hall could do regarding the use of a temporary parking permit when he goes on a trip and needs to leave his vehicle at the airport, but still needs his Parking Permit for a rental vehicle

ADOPTION OF LOCAL LAWS:

Local Law No. One of 2005 – (Vehicle & Traffic – Stop Signs in Applewood Community)

Councilman Woodland moved that Local Law Introductory "A" of 2005 be adopted as Local Law No. One of 2005, in the following format; seconded by Councilman Backman:

TOWN OF NEW HARTTORD, NEW YORK LOCAL LAW NO. ONE 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) in the Applewood Mobile Home Community.

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.

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<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Annie's Way	Patricia Drive	Northwest	Stop Sign
Annie's Way	Norma Drive	Southeast	Stop Sign
Susan Drive	Patricia Drive	Northwest	Stop Sign
Susan Drive	Norma Drive	Southeast	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>
Norma Drive	Northwest	Susan Drive/Annie's Way
Patricia Drive	Southeast	Susan Drive/Annie's Way

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.

A roll call vote ensued:

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

Local Law Introductory "A" was thereafter declared unanimously carried and duly **ADOPTED** as Local Law No. One of 2005.

Local Law No. Two of 2005 – (Vehicle & Traffic – Stop Signs in Thomas Acres)

Councilman Woodland moved that Local Law Introductory "B" of 2005 be adopted as Local Law No. Two of 2005, in the following format; seconded by Councilman Waszkiewicz:

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TOWN OF NEW HARTTORD, NEW YORK
LOCAL LAW NO. TWO 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) in the Thomas Acres Development.

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

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>
Haverhill Drive	West	Fawncrest Boulevard

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.

Upon roll call the Board members voted as follows:

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

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Councilman Backman - Aye
 Supervisor Humphreys - Aye.

Local Law Introductory "B" was thereafter declared unanimously carried and duly **ADOPTED** as Local Law No. Two of 2005.

Local Law No. Three of 2005 – (Vehicle & Traffic – Stop Signs in White Tail Meadows)

Councilman Backman moved that Local Law Introductory "C" of 2005 be adopted as Local Law No. Three of 2005, in the following format; seconded by Councilman Waszkiewicz:

TOWN OF NEW HARTTORD, NEW YORK
LOCAL LAW NO. THREE 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) in the White Tail Meadows Development.

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>
Kay Circle	Florence Court	West	Stop Sign
Kay Circle	Florence Court	Southwest	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.

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<u>STOP SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
Florence Court	South	Kay Circle
Florence Court	Southeast	Kay Circle
Kay Circle	East	Oneida Street

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.

Upon roll call the Board members voted as follows:

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

Local Law Introductory "C" was thereafter declared unanimously carried and duly **ADOPTED** as Local Law No. Three of 2005.

Local Law No. Four of 2005 – (Vehicle & Traffic – Barley Mow Run to be a Yield Street)

Councilman Backman moved that Local Law Introductory "D" of 2005 be adopted as Local Law No. Four of 2005, in the following format; seconded by Councilman Woodland:

TOWN OF NEW HARTTORD, NEW YORK
LOCAL LAW NO. FOUR OF 2005

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by establishing an additional Through Street (Section 113-40) and an additional Yield Intersection (Section 113-42) in the Woodberry Hills Development.

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

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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>
Woodberry Road	Barley Mow Run	Northwest	YIELD sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-42, is hereby amended to include the following:

Section 113-42. Schedule VIII: Yield Intersections

<i>YIELD SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Barley Mow Run	Northwest	Woodberry Road

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.

The Board members voted as follows:

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

Local Law Introductory “D” was thereafter declared unanimously carried and duly **ADOPTED** as Local Law No. Four of 2005.

State Environmental Quality Review / Negative Declaration – Local Law Introductory “E” of 2005)

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

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(RESOLUTION NO. 281 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford, as Lead Agency in the matter of Local Law Introductory “E” of 2005 (revised building inspection fees in the Town Code, Chapter 118 thereof entitled Zoning), does hereby unanimously adopt the determinations and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, which the Town Planner will file in the Town Clerk’s Office.

The Town Board voted upon roll call:

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

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

Local Law No. Five of 2005 – (Zoning – Building Inspection Fees)

Councilman Waszkiewicz moved that Local Law Introductory “E” of 2005 be adopted as Local Law No. Five of 2005, in the following format; seconded by Councilman Woodland:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. FIVE OF 2005

A Local Law to amend the Code of the Town of New Hartford by adding Re-inspection Fees to **Chapter 118** thereof entitled **ZONING** by establishing the amount paid for re-inspections

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

SECTION 1. Chapter 118 of the Code of the Town of New Hartford is hereby amended as follows:

Section 118-93. Fees:
D. Miscellaneous

Add:

(12) Re-inspection Fees

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- First Inspection \$ 25.00
- Second Inspection \$ 50.00
- Third Inspection \$100.00

A Re-inspection Fee is payable in the following circumstances:

- a) When a request is made for inspection, an inspector responds to the site and the work is not ready to be inspected
- b) When an inspection is made, corrective measures are directed by the inspector, a schedule established for re-inspection, re-inspection (free of charge) made but defective work is not properly corrected and a still further inspection is necessitated
- c) When an approved plan is deviated from in the field, the deviation is discovered by an inspector and re-inspection is necessitated to confirm that the work conforms to the original plan
- d) When work is performed in phases and more than one inspection is required before the work is corrected, a maximum \$25.00 charge would apply to this type of inspection.

SECTION 2. All other provisions 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 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

A roll call vote ensued:

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

Local Law Introductory "E" was thereafter declared unanimously carried and duly ***ADOPTED*** as Local Law No. Five of 2005.

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Local Law No. Six of 2005 – (Dogs & Pets – Increased Fine for Barking Dogs)

Councilman Woodland moved that Local Law Introductory “F” of 2005 be adopted as Local Law No. Six of 2005, in the following format; seconded by Councilman Waszkiewicz:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. SIX OF 2005

A Local Law to amend the Code of the Town of New Hartford, **Chapter 56** thereof entitled **DOGS AND PETS**, by increasing the penalties for offenses, Section 56-6.

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

SECTION 1. Chapter 56 of the Code of the Town of New Hartford, Section 56-6, is hereby amended as follows:

Section 56-6. Penalties for offenses

Replace Subparagraphs A. and B. with the following:

- A. An offense against any provision of this Chapter shall be punishable as follows:
1. For a first (1st) offense, by a fine up to One Hundred Dollars (\$100)
 2. For an offense committed within five (5) years of a conviction for any offense under this Chapter, a fine up to Two Hundred Fifty Dollars (\$250)
 3. For an offense committed within five (5) years of two (2) earlier convictions for any offense under this Chapter, a fine up to Five Hundred Dollars (\$500) and imprisonment for up to ten (10) days.

SECTION 2. All other provisions of Chapter 56 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 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

The Town Board voted upon roll call:

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

Local Law Introductory "F" was thereafter declared unanimously carried and duly **ADOPTED** as Local Law No. Six of 2005.

Local Law No. Seven of 2005 – (Vehicle & Traffic – Increased Parking Fines)

A brief discussion followed relative to the timeframe in which a parking ticket could be paid, with consensus that the ten (10) day period be changed to fifteen (15) days. Thereafter, Councilman Waszkiewicz moved that Local Law Introductory "G" of 2005 be adopted as Local Law No. Seven of 2005, in the following format; seconded by Councilman Backman:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. SEVEN OF 2005

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by adding a new Section 113-31.1, increasing the penalties for parking violations.

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 is hereby amended as follows:

ADD:

Section 113-31.1 Penalties for parking violations

Every person convicted of a violation of any of the provisions of Article III of this Chapter entitled *Parking, Standing and Stopping* shall be subject to a fine of Twenty-five Dollars (\$25). In the event the parking summons is not paid within fifteen (15) days of issuance, the fine shall be Forty Dollars (\$40).

The Chief of Police of the Town of New Hartford is hereby authorized to prescribe forms for use in issuing summonses for parking violations in accordance with this Chapter.

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The penalty set forth in this Section is in addition to any penalty authorized by any State Statute including, but not limited to, the Vehicle and Traffic Law of the State of New York

SECTION 2. 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 3. This Local Law shall become effective on December 1, 2005.

The Town Board voted upon roll call:

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

Local Law Introductory "G" was thereafter declared unanimously carried and duly ***ADOPTED*** as Local Law No. Seven of 2005.

REPORTS OF TOWN OFFICIALS (CONT'D)

TELECOMMUNICATOR SUPERVISOR (DISPATCH):

Emergency/Standby Power System

The Telecommunicator Supervisor has received notification from Assemblyman Townsend's office that the Town will be receiving a Grant in the amount of Eighteen Thousand Five Hundred Dollars (\$18,500) toward this project. After much discussion, Councilman Backman presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 282 OF 2005)

WHEREAS, the Emergency Dispatch Center solicited Requests For Proposal for a new Generator, Transfer Switch and Installation; and

WHEREAS, Cummins N.E. was the low bidder for the Generator and Transfer Switch at a cost of Sixteen Thousand Two Hundred Ninety-four Dollars (\$16,294); and

WHEREAS, since the bid from Cummins N.E. did not include installation of the Generator, Telecommunicator Supervisor Madden will check with Mid-State Communications & Electronics, Inc. regarding their cost for installation including the

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concrete pad for the Generator. Otherwise, the Town of New Hartford will have All-Phaze Electric, Inc. do the Installation of the Generator since they have the low bid of Fifty-Six Hundred Dollars (\$5,600) with the Town of New Hartford to do the work required for the concrete pad installation;

NOW, THEREFORE BE IT RESOLVED that the New Hartford Town Board authorizes Telecommunicator Supervisor Jeffrey Madden to proceed with the purchase of the Generator from Cummins N.E. to include the most efficient way of installation of the Generator for the Dispatch Center for a total cost not to exceed Twenty-Three Thousand Dollars (\$23,000).

A roll call vote ensued:

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

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

HIGHWAY SUPERINTENDENT (CONT'D):

Competitive Bid – Sidewalk Installation

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

(RESOLUTION NO. 283 OF 2005)

WHEREAS, on September 7, 2005 the Town Board accepted the low bid of and awarded a contract to Central Paving, Inc. for Sidewalk Installation in 2005;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to issue a NOTICE TO PROCEED to Central Paving, Inc., 810 McKennan Road, Herkimer, New York, for the sidewalk installation.

The Town Board then voted upon roll call:

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

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Councilman Backman - Aye
Supervisor Humphreys - Aye.

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

Petition For Domestic Water – Mohawk Street Residents

Highway Superintendent Roger Cleveland has received a Petition signed by nine (9) Mohawk Street property owners asking for installation of domestic water, involving eight (8) properties. These properties are just outside the boundary of the Higby Road Water District. The Highway Superintendent will respond to these residents. The Highway Superintendent has asked Burley-Guminiak & Associates to look at these properties and a meeting will be held on Friday, October 7, 2005 at 11:00 A.M. to discuss funding options.

TOWN CLERK:

Fiscal – 2005 Budget Transfer

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

(RESOLUTION NO. 284 OF 2005)

WHEREAS, Deputy Town Clerk II Nancy E. Kneller resigned due to medical reasons effective June 7, 2005 and since that time, Sub Clerk Andrea K. Toomey has been filling that position on a part-time basis; and

WHEREAS, two (2) Student Workers had been hired through the 2005 summer months to assist in various clerical duties, including follow-up and licensing related to the Dog Enumeration;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to transfer the sum of Five Thousand Dollars (\$5,000) from General Fund Account AA1410.13, Deputy II salary, to General Fund Account AA1410.12, Part-time Clerk salary, to cover the wages paid.

A roll call vote ensued:

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

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

Competitive Bid – Sidewalk Construction/Refund of Bid specification and Bid Security deposits

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

(RESOLUTION NO. 285 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Bookkeeper to release from the Trust and Agency Account the bid specification fees deposited by the following bidders that have returned said specifications relating to the following projects:

Sidewalk Construction - 2005

- North Paving Co., Inc. - \$ 20.00
- Edgebrook Construction - \$ 20.00
- Christopher Roberts Masonry - \$ 20.00

and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Bookkeeper and/or Town Clerk to release the bid security (certified checks and/or Bid Bond) submitted by all unsuccessful bidders.

The Town Board then voted upon roll call:

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

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

Appointment – Sub Clerk/Town Clerk’s Office

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

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(RESOLUTION NO. 286 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint Carrie A. Paciello as a Sub Clerk in the Town Clerk's Office, commencing Tuesday, October 11, 2005, at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

The Resolution was then declared unanimously carried and duly adopted.

2005 Tentative Budget

The Town Clerk acknowledged receipt of the 2005 Tentative Budget; the Accounting Department had furnished copies to each Board member.

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Agenda Items:

Lighting Ordinance – Lincoln Morrison would like the lighting ordinance reviewed. The Town Board suggested that the Codes Officer review the lighting legislation. Supervisor Humphreys doesn't think there is a problem; Councilman Woodland agreed. It was the suggestion of Councilman Waszkiewicz that the Codes Officer take a look at this lighting problem. The question raised was whether to refer this to Codes or not. Councilman Backman feels that it is not necessary to pass a Zoning Law to satisfy two (2) residents. Councilman Backman will speak with Mr. Morrison.

COUNCILMAN WASZKIEWICZ:

Agenda items:

- *NYS is implementing a new Parking Ticket Process* – Councilman Waszkiewicz will try to coordinate with courts and police.
- *Grant Writer* – Supervisor Humphreys is interviewing someone else before the Town Board confirms J. T. O'Connell to represent the Town. Councilman Waszkiewicz doesn't want to act on this unless it is in the budget. Councilman

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- Waszkiewicz will see if Mr. O'Connell can be present at the next meeting to give a presentation.
- Recreation path dedication in honor of Philip Rayhill – The Parks Citizens Committee has made recommendations for the plaque and its wording. Tentative cost not to exceed \$1,000 per plaque. Whitestown Supervisor still discussing their position and involvement and will contact Councilman Waszkiewicz with their decision.
 - Budget Process and Citizen Committees – Scheduled meeting dates to be announced. Councilmen Waszkiewicz and Woodland available Tuesday, October 11, 2005. Councilmen Backman and Butler will have to be notified about the date and times of the meetings.
 - Town News Letter – The Town Crier will be contacted to see if they would include a section in their monthly edition for information to be printed regarding the Town of New Hartford at no charge. Councilman Waszkiewicz will speak with the two (2) volunteers, Barbara Sweeney and a Utica College Student, Jesse White, to see if they would be willing to obtain information from Department Heads for publication in the Town Crier. Councilman Waszkiewicz will contact the Highway Superintendent, Police Chief and the Director of Senior Services to see if they would want their information incorporated in with the Town's News Letter.
 - Oneida-Herkimer County Empire Zone Board Review – There is a new Oneida County Empire Zone Board. Councilman Waszkiewicz, the Mayors of New Hartford and New York Mills, and Supervisor Humphreys met with Empire Zone Coordinator Thomas Serwatk. The Zone Coordinator is to update them directly and to crystallize land use plans so as to use Zone benefits in the best way
 - Discussion on noise restriction/time limitation in construction and heavy equipment – nothing new
 - Planning Consultant peter j. smith and company, inc. – met with Committee and will be submitting a proposal to finalize the update of Town's Master/Comprehensive Plan and review Parks Master Plan for findings on Park's green space proposal
 - Review of Judd Road and peripheral road signage with Villages of New York Mills, Whitesboro, Yorkville and Town of Whitestown; updating Department of Transportation (DOT) map and finalize multi-municipal resolution – not yet complete at time agenda was printed

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

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Audit of Vouchers

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

(RESOLUTION NO. 287 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. 34 Vouchers AA1559-AA1566	\$ 17,394.36
General Fund Whole-Town Abstract No. 35 Vouchers AA1567-AA1615; Vouchers AA1644-AA1656	\$ 65,332.25
General Fund Whole-Town (Police) Abstract No. 35A Vouchers AA1616-AA1643; AA1657	\$ 33,299.64
General Fund Part-Town Abstract No. 21 Voucher BB131	\$ 269.00
General Fund Part-Town Abstract No. 22 Voucher BB132-BB141	\$ 4,361.07
Highway Fund Part-Town Abstract No. 22 Voucher DB453-DB469	\$ 33,574.84
Sewer Fund Abstract No. 23 Voucher SS73	\$ 731.97
Sewer Fund Abstract No. 24 Vouchers SS74-SS79	\$ 74,618.69
Drainage Capital Abstract No. 16 Voucher HC96-HC106	\$ 3,776.30
TOTAL:	\$ 233,358.12

Whereupon, the Town Board members voted individually as follows:

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

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

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Proposed Cancellation of Town Board's Health Insurance

The Town Supervisor suggested that the Town Board consider discontinuing health insurance coverage for the part-time Town Board members beginning January 1, 2006 and in lieu of the health insurance, provide for a \$4,000 raise for each Board member in the 2006 Budget. After some discussion, it was decided to discuss this proposal at the October 19, 2005 Town Board meeting rather than at 9:45 P.M. when the public has left the meeting. Attorney Rossi stated that there is no reason that this matter cannot be presented at the next Town Board meeting and recommended that some public notice be provided to the local newspaper. The Town Supervisor stated that this has already been put into the Preliminary Budget. Town Clerk Gail Wolanin Young reminded the Board that the projected 2006 salaries of elected officials have to be published in the Budget Public Hearing notice.

Clerical Assistance – Times 2 file cabinets

A proposal was received from Town resident Elizabeth Cardamone who has been helping to reorganize the Village of New Hartford's files under a Records Management Grant. Ms. Cardamone has offered to work part-time at the hourly rate of Twelve Dollars (\$12) for any Town Department Head who needs assistance in transferring files into the end-tab filing system and new filing cabinets.

EXECUTIVE SESSION

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

(RESOLUTION NO. 288 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Highway Woodlands assessment certiorari and the Claim brought against the name, namely, Grates vs the Town of New Hartford.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
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, Town Clerk and Deputy, were then excused from the meeting at 9:55 P.M.

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[NOTE: The Town Supervisor provided the following on Thursday, October 6, 2005.]

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 289 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	-	ABSENT
Councilman Woodland	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 10:13 P.M. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Woodland, the meeting was adjourned at 10:18 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk

Margaret M. Jones
Deputy Town Clerk I