

**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 19, 2005 AT 7:00 P.M.**

The Town Supervisor called the meeting to order at 7:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting:

TOWN BOARD MEMBERS: Councilman Donald C. Backman
Councilman John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Director of Senior Services M. Eileen Spellman
Highway Superintendent Roger A. Cleveland
Telecommunicator Supervisor Jeffrey P. Madden
Town Clerk Gail Wolanin Young, CMC/RMC
Attorney Vincent Rossi, Jr. (Arrived at 8:00 P.M.)

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

MINUTES APPROVAL

August 17, 2005 Town Board minutes

After reviewing minutes that had been mailed to all Board members, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 290 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 **August 17, 2005** and does further waive the reading of the same.

Upon roll call, the Board members 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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September 7, 2005 Town Board minutes

Action on the September 7, 2005 Town Board minutes was deferred until the November 2, 2005 meeting.

PUBLIC PRESENTATIONS

Cedar Point Subdivision – Undeveloped Lot on Morgan Lane

Stuart Miller had communicated with Vincent J. Rossi, Jr., Attorney for Town, expressing his concern with the proposed sale of an unimproved lot [owned by the Charles T. Sitrin Home] at 18 Morgan Lane, adjacent to his property. This particular lot has an unusual shape, with access via a narrow (single driveway width) strip of land that angles into a corner of the lot. His concerns include:

- Configuration of the lot
- “claimed” frontage of this property
- only potential driveway to the 18 Morgan Lane lot would overlap an existing driveway of the residence at 20 Morgan Lane.

Mr. Miller asked that the Town review the approved plans for this Development and determine the lot’s compliance with zoning regulations. He also requested to be notified whenever someone applies for a building permit for this particular lot. The Town Board explained that a building permit application and map need to be submitted to the Codes Enforcement Officer before any determination can be made; and if it’s a build-able lot, there’s nothing the Town can do. However, if it doesn’t meet Town code, Mr. Miller has the right to appeal to the Zoning Board of Appeals.

REPORTS OF TOWN OFFICIALS

AGING (DIRECTOR OF SENIOR SERVICES):

Flu Shot Clinic & Cholesterol Screening

The New Hartford Adult Dining & Activity Center will host a Flu Shot Clinic on Thursday, November 3, 2005 from 9:00 A.M. to 11:00 A.M. and 1:00 P.M. to 2:00 P.M.

On November 3rd, Faxton-St. Luke’s Healthcare will offer free cholesterol screening.

HIGHWAY SUPERINTENDENT:

Agreement for Engineering Services/Change Order #1 – Pump Station Upgrades

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

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(RESOLUTION NO. 291 OF 2005)

WHEREAS, subsequent to the award of a construction contract to Bat-Con, Inc. for the Pump Station Upgrades (Contract 2), the Town of New Hartford had reassessed its needs for emergency power and had determined that it would be more practical and cost effective to purchase a mobile generator suitable for use at its five (5) sewage pump station sites; and

WHEREAS, the purchase of a mobile generator will eliminate the need for the purchase and installation of generators for each site;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve Change Order No. 1 to the contract with Shumaker Engineering in a not-to-exceed amount of Forty-eight Hundred Dollars (\$4800) for which Shumaker Engineering will provide design to select a diesel-powered mobile generator, change order negotiation and construction phase service, as set forth in their September 29, 2005 Budget Amendment to the Highway Superintendent; and be

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to execute said Change Order No. 1 in behalf of the Town.

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

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

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

Pre-Development Agreement & Memorandum of Understanding – Slocum Dickson Medical Group

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

(RESOLUTION NO. 292 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement between the Town of New Hartford and ***Slocum Dickson Medical Group, 1729 Burrstone Road, New Hartford, NY*** wherein said ***Slocum Dickson*** has offered to contribute, as per the conditions of said

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Pre-Development Agreement, the total sum of Thirteen Thousand Six Hundred Sixty-two Dollars (\$13,662) as it relates to the addition of approximately 4600 square feet to the existing building for a new MRI within the French-Burrstone-Champlin Ave Generic Environmental Impact Study boundary area; and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and directed to enter into and to execute a Memorandum of Understanding with regard to the above-referenced expansion.

The foregoing Resolution was duly put to a vote 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**.

Pre-Development Agreement & Memorandum of Understanding – (Fieldstone Collectibles & Gift Shoppe)

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

(RESOLUTION NO. 293 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement between the Town of New Hartford and *Nancy Lynn Falk, 8063 Seneca Turnpike, Clinton, NY* wherein said *Nancy Lynn Falk (dba Fieldstone Collectibles & Gifts Shoppe)* has offered to contribute, as per the conditions of said Pre-Development Agreement, the total sum of Five Hundred Fifty-two Dollars (\$552) as same relates to a 24' x 50' (1200 square feet) addition to be used as a garage/shop within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area; and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and directed to enter into and to execute a Memorandum of Understanding with regard to the above-referenced expansion.

The Town Board voted upon roll call:

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

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

Pre-Development Agreement & Memorandum of Understanding – (Utica Gas & Electric Federal Credit Union)

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

(RESOLUTION NO. 294 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement between the Town of New Hartford and ***Utica Gas & Electric Federal Credit Union, Old Campion Road, New Hartford, NY*** wherein said ***Federal Credit Union*** has offered to contribute, as per the conditions of said Pre-Development Agreement, the total sum of Four Thousand Two Hundred Fifty-six Dollars and One Cent (\$4,256.01) as same relates to the demolition of two (2) residential single-family homes and construction of a new 4,125 square foot single-story Credit Union and site related improvements within the French-Burrstone-Champlin Ave Generic Environmental Impact Study boundary area; and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and directed to enter into and to execute a Memorandum of Understanding with regard to the above-referenced expansion.

The foregoing Resolution was duly put to a vote upon roll call:

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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Pre-Development Agreement & Memorandum of Understanding – (Thomas Bonomo)

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

(RESOLUTION NO. 295 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement between the Town of New Hartford and ***Thomas Bonomo, 4541 Middlesettlement Road, New Hartford, NY*** wherein said ***Thomas Bonomo*** has offered to contribute, as per the conditions of said Pre-Development Agreement, the total sum of Five Hundred Twenty-four Dollars (\$524) as same relates to an area variance to allow construction of two (2) additional parking spaces at the aforesaid location within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area; and be it

FURTHER RESOLVED that the Town Supervisor be, and he hereby is, authorized and directed to enter into and to execute a Memorandum of Understanding with regard to the above-referenced expansion.

The foregoing Resolution was duly put to a vote upon roll call:

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

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

Abandoned Property – Removal of Deaf Child Sign

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

(RESOLUTION NO. 296 OF 2005)

WHEREAS, the tenants of 9545 Elm Street, Chadwicks, who had deaf children, have moved out of state and the owners of record, who also had deaf children, are residing in South Carolina; and

WHEREAS, the property has been abandoned and the need for two (2) DEAF CHILD IN AREA signs is no longer warranted;

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NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to remove the two (2) DEAF CHILD IN AREA signs that are posted on both approaches to property identified as 9545 Elm Street (Tax Map No. 350.000-3.43), Chadwicks.

A roll call vote was duly held 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**.

Personnel - Medical Absence of Highway Department employees

Highway Superintendent Cleveland reported that, due to a series of recent events, his department has lost or will lose five (5) employees due to medical reasons; as a result of these temporary vacancies, there is a need for supplemental assistance in light of the approaching leaf collection season. Scott Brady's employment application has been reviewed by the Town's Personnel Assistant and has been approved by the Oneida County Department of Personnel. The Town Board briefly discussed authorizing the Highway Superintendent to hire two (2) temporary employees, the second employee (yet to be determined) to be contingent upon Town and County approval; the matter was deferred until the Town Attorney's arrival at this meeting.

Creation of Steering Committee – Comprehensive Master Plan

After some discussion, Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 297 OF 2005)

RESOLVED that the New Hartford Town Board does hereby create a nine (9) member Steering Committee for the Town's Comprehensive Plan update, effective November 1, 2005 to be comprised of the following positions:

- Town Planner
- Codes Enforcement Officer
- Planning Board member
- Zoning Board of Appeals member
- Town Board member
- Citizen from the First Ward

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- Citizen from the Second Ward
- Citizen from the Third Ward
- Citizen from the Fourth Ward

whose objectives shall include:

- Conduct initial meeting with consultant to familiarize the Committee with the requirements of the program; attend up to five (5) additional regular meetings with Consultant as the Comprehensive Plan Update is prepared
- Input regarding the determination of potentials, issues, strengths, weaknesses and the “ideal” future of the Town
- Outline a detailed work program and schedule for the project and identify special interest groups that should be involved in the planning process.

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 declared unanimously carried and duly *ADOPTED*.

Superseding Bond Resolution – Purchase of Highway Equipment

The following Resolution was offered by Councilman Waszkiewicz, who moved its adoption; seconded by Councilman Butler, to-wit:

(RESOLUTION NO. 298 OF 2005)

A RESOLUTION AUTHORIZING THE PURCHASE OF HIGHWAY PLOWS IN AND FOR THE TOWN OF NEW HARTFORD, ONEIDA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$243,174, AND AUTHORIZING THE ISSUANCE OF \$243,174 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF, AND SUPERSEDING A CERTAIN BOND RESOLUTION DULY ADOPTED BY THE TOWN BOARD OF SAID TOWN ON JUNE 15, 2005 FOR THE AFORESAID PURPOSES.

BE IT RESOLVED by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of New Hartford, Oneida County, New York, as follow:

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Section 1. The purchase of highway plows in and for the Town of New Hartford, Oneida County, New York, including apparatus, is hereby authorized at a maximum estimated cost of \$243,174.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$243,174 serial bonds of said Town hereby authorized to be issued therefore pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years.**

Section 4. The faith and credit of said Town of New Hartford, Oneida County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability of issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if

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- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this Resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. *It is hereby determined that this Bond Resolution shall supersede the Bond Resolution duly adopted by the Town Board of said Town on June 15, 2005, authorizing the issuance of \$220,468 serial bonds of said Town substantially for the purposes authorized herein.*

Section 10. This Resolution, which takes effect immediately, shall be published in summary form in *The Observer Dispatch*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

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

TOWN CLERK:

Raffle Consent – American Red Cross

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

(RESOLUTION NO. 299 OF 2005)

RESOLVED that the New Hartford Town Board does hereby grant permission to the *American Red Cross, 1415 Genesee Street, Utica, NY*, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at 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.

A roll call vote ensued:

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

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- NYS is implementing a new Parking Ticket Process – Councilman Waszkiewicz will try to coordinate with courts and police; e-mailed SCOFF Law to Board members
- Grant Writer – Councilman Waszkiewicz requested J. T. O’Connell to present a written proposal to the Town Board the week of October 24, 2005; tentatively meet with Town Board at 6:00 P.M. on Wednesday, November 16, 2005
- 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. Unsuccessful in getting commitment from Town of Whitestown for payment of plaque on the Whitestown entrance of the path. Discussion on possibly erecting only one plaque on New Hartford side of

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Path; NYS Department of Transportation will provide the stone on which to place the plaque.

Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 300 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Parks and Recreation Director Michael W. Jeffery to purchase one (1) plaque for the Recreation Path Dedication in honor of the late Philip Rayhill, at a cost not to exceed One Thousand Dollars (\$1,000) to be paid from the Parks and Recreation account.

Upon roll call, the Board members 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**.

- Propose attached format for budget explanation for Town residents
- Town News Letter – Two (2) volunteers, Barbara Sweeney and Jesse White, a senior at Utica College, will be submitting a press release for submission to the Town Crier
- Oneida-Herkimer County Empire Zone Board Review – New Oneida County Empire Zone Board; maps not updated yet. New state law calls for a “blob” – any building that had prior approval has been “grand-fathered.” The details need to come from the zone coordinator.
- Discussion on noise restriction/time limitation in construction and heavy equipment – nothing new
- Temporary Sign Zoning ordinance explanation for Attorney Rossi – Attorney Rossi satisfied that no violations are created by temporary political signs
- 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

COUNCILMAN BACKMAN:

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Discussion items

- Status of fire-fighter property exemption – get update from Attorney Rossi when he arrives at meeting
- Planning Board vacancy – fill expired term of Ronald Morelle; term expired December 31, 2004

Councilman Backman moved the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 301 OF 2005)

WHEREAS, the term of office of Planning Board member Ronald Morelle had expired December 31, 2004 and Mr. Morelle had been serving as a “holdover” since that time; and

WHEREAS, it is desirable to fill this vacancy on the Planning Board and the Town Board had received several applications for review in mid-August 2005;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Margaret S. Rotton as a Planning Board member, to fill the vacancy created by the expiration of Ronald Morelle’s term of office; said appointment to become effective October 20, 2005 and for the duration of a seven (7) year term to expire December 31, 2011.

Discussion ensued with Councilmen Waszkiewicz and Butler believing the vacancy should be deferred until 2006 when a new Town Board is in place.

[NOTE: Attorney Rossi joined the meeting at 8:00 P.M.]

Supervisor Humphreys and Councilmen Backman and Woodland stated that making an appointment now is taking care of the current year’s appointment, since Mr. Morelle’s term expired on December 31, 2004. Thereafter, the Town Clerk polled the Board members who voted as follows:

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

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

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MATTERS SUBMITTED BY ATTORNEY:

Real Property Tax Exemption for Fire-fighters

In response to Councilman Backman's inquiry, Attorney Rossi acknowledged that the legislation has not been drafted but assured the Town Board that the legislation would be prepared for a public hearing and to become effective by March 1, 2006 for the January 2007 Town and County tax bills.

Personnel – Medical Absence of Highway Department employees (see Page 7 of these minutes)

After receiving an explanation of the proposal that the Highway Superintendent be authorized to hire Scott Brady and a yet-to-be-selected individual due to the medical absence of five (5) Highway Department employees, Attorney Rossi determined it to be appropriate, contingent upon approval of the second employee by the Town's Personnel Assistant and the Oneida County Personnel Department. Thereafter, Councilman Butler offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 302 OF 2005)

WHEREAS, five (5) Highway Department employees are or will be absent from work due to medical conditions, i.e., injuries or illness; and

WHEREAS, there is a need to hire additional, temporary employees to help compensate for these absences, particularly with the leaf collection season in progress;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to hire two (2) temporary laborers, effective immediately, at the entry-level hourly wage set forth in the Teamster's union contract for the Highway Department; specifically, that Scott Brady, whose application was been reviewed by the Town and approved by the Oneida County Personnel Department, be hired as set forth hereinabove and that a second individual be hired contingent upon that person's application being reviewed by the Town Personnel Assistant and being approved by the Oneida County Personnel Department.

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

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

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

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Cedar Point Subdivision –Morgan Lane Undeveloped lot (see Page 1 of these minutes)

After a review of this matter discussed at the beginning of this meeting, Attorney Rossi stated that, in accordance with the Town's Zoning Law, Mr. Miller has the prerogative to file an administrative appeal before the Zoning Board of Appeals.

MATTERS SUBMITTED BY COUNCILMEN (CONT'D)

COUNCILMAN BUTLER:

Petition for 3-way Stop – Wilbur Road @ Orange Ave

Councilman Butler had consulted with the Highway Superintendent on the petition received during the summer and was aware that the Highway Superintendent and Police Chief would be meeting on this matter. (NOTE: Discussed at September 7, 2005 Town Board meeting.)

COUNCILMAN WOODLAND:

Status of Legal Case

In response to Councilman Woodland's inquiry, Attorney Rossi said he would compile a status list of all legal matters presently being handled by him.

COUNCILMAN WASZKIEWICZ (CONT'D):

Easement /Stormwater Drainage Improvement – Wadsworth Road-South Hills Drive area

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

(RESOLUTION NO. 303 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Attorney Vincent J. Rossi, Jr. to confirm in writing that the Town obtained an easement from Mr. Salerno and related work has been performed to improve drainage in the area of Wadsworth Road-South Hills Drive-Westwood Road (*aka the Tilden Avenue Stormwater Project*), and that the cost of obtaining the easement (\$2,000) had been funded, in part, through a Twenty-five Thousand Dollar (\$25,000) member item obtained from the Office of NYS Senator Raymond Meier.

A roll call vote ensued:

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

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Councilman Woodland - Aye
Supervisor Humphreys - Aye.

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

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 Butler:

(RESOLUTION NO. 304 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. 36	
Vouchers AA1658-AA1692;	
Vouchers AA1706-AA1710	\$130,651.55
General Fund Whole-Town (Police) Abstract No.36A	
Vouchers AA1693-AA17-5	\$ 5,591.06
General Fund Part-Town Abstract No. 23	
Voucher BB142-BB146	\$ 531.87
Highway Fund Part-Town Abstract No. 24	
Voucher DB470-DB492	\$ 17,448.25
Sewer Fund Abstract No. 25	
Voucher SS80-SS88	\$ 78,915.82
Street Light District Abstract No. 11	
Voucher SL11	\$ 6,919.58
Higby Road Water Capital Abstract No. 15	
Vouchers HF19-HF24	\$734,921.93
Drainage Capital Abstract No. 17	
Voucher HC107-HC112	\$ <u>8,662.22</u>
TOTAL:	\$983,642.28

Whereupon, the Town Board members voted individually as follows:

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

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Supervisor Humphreys - Aye.

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

Public Hearing Scheduled – 2006 Preliminary Budget

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

(RESOLUTION NO. 305 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford will conduct a Public Hearing to commence at **8:00 P.M.**, or as soon thereafter as reached in the regular course of business, on Wednesday, **November 2, 2005** in the Perry Junior High School, Weston Road, in said Town, to consider the following matters:

- the adoption of the 2006 Preliminary Budget as the 2006 Annual Budget; and
- the establishment of the ad valorem charges for the fiscal year beginning January 1, 2006 for the following special districts/improvement areas

New Hartford Consolidated Sewer District
Clinton Street Sewer District
Woodberry Hills Sewer District
Jubilee Estates Drainage District
Water Fund
Fire Protection Districts No. 1 through No. 5,
Inclusive
Various Street Lighting Districts; and be it

FURTHER RESOLVED that the said Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Notices of Public Hearing in The Observer Dispatch.

The Resolution was then voted upon as follows:

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

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

Authorization to Open Checking Account

Supervisor Humphreys proposed that a checking account be opened at the Adirondack Bank that would allow the Bookkeeper or Town Supervisor to transfer mitigation funds from an existing savings account into the checking account without having to visit the Bank. Councilman Waszkiewicz offered the following Resolution for adoption and Councilman Butler seconded same:

(RESOLUTION NO. 306 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to open a checking account for the mitigation fees at the Adirondack Bank, 2817 Genesee Street, Utica, New York and that the Town Supervisor and/or Bookkeeper be, and he/she hereby is, authorized to exercise the powers granted as indicated hereunder:

- Supervisor – exercise all of the powers of this resolution
- Supervisor or Bookkeeper – open any deposit or share account(s) in the name of the Town of New Hartford
- Supervisor or Bookkeeper – endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with Adirondack Bank
- Supervisor or Bookkeeper – borrow money on behalf and in the name of the Town, sign, execute and deliver promissory notes or other evidences of indebtedness
- Supervisor or Bookkeeper – endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the town as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment
- Supervisor – enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box at Adirondack Bank.

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.

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The Resolution was declared unanimously carried and duly adopted.

Open Green Space for Recreation – Future Subdivisions

Attorney Rossi reported that Eve Holberg of *peter j. smith & company, inc.* had reviewed the Town's 2001 Parks and Recreation Master Plan, considered National Recreation and Park Association standards/guidelines, considered public input and made recommendations for provision standards for the Town's parks and recreation facilities. The Town Board directed Attorney Rossi to consult with the Town Planning Board to determine what direction they may wish to take with regard to Town Law, Section 277 (allowing a municipality to impose a requirement to set aside park lands in subdivisions).

EXECUTIVE SESSION

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

(RESOLUTION NO. 307 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss an existing lawsuit against Louis C. Ablove for on-going zoning violations at property located on 3385 Oneida Street (Tax Map No. 349.020-1-69), Chadwicks, New York.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media and Town Clerk, were then excused from the meeting at 8:56 P.M.

[NOTE: The Town Supervisor provided the following on Thursday, October 20, 2005.]

END OF EXECUTIVE SESSION

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

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(RESOLUTION NO. 308 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 Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 9:28 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 Butler, the meeting was adjourned at 9:30 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk