

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT NEW YORK MILLS UNION FREE SCHOOL,
1 MARAUDER BOULEVARD, IN SAID TOWN ON WEDNESDAY,
AUGUST 8, 2007 AT 6:03 P.M.**

In the absence of the Supervisor who was out of state, Deputy Supervisor David Reynolds called the meeting to order at 6:03 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 Robert A. Payne III
Councilman John C. Waszkiewicz III
Deputy Supervisor/Councilman David M. Reynolds

ABSENT: Supervisor Earle C. Reed
Councilman Richard B. Woodland, Jr.

OTHER TOWN OFFICIALS: Codes Enforcement Officer Joseph A. Booth
Highway Superintendent Roger A. Cleveland
Parks & Recreation Director Michael W. Jeffery
Personnel Technician II Barbara Aiello
Police Chief Raymond Philo
Planner Kurt Schwenzfeier
Town Clerk Gail Wolanin Young and
Deputy Town Clerk I Margaret M. Jones

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

POWER POINT PRESENTATION – CODES ENFORCEMENT OFFICER

Codes Enforcement Officer Joseph Booth provided a slide presentation to familiarize the Town Board on the responsibilities of Codes Enforcement Officers under statutory and local legislation as well as the current level of staffing to handle such responsibilities.

MINUTES APPROVAL

July 11, 2007 Town Board minutes

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

(RESOLUTION NO. 170 OF 2007)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *July 11, 2007* and does further waive the reading of the same.

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Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

PUBLIC PRESENTATIONS

There were none.

REPORTS OF TOWN OFFICIALS

AGING (SENIOR SERVICES):

Training Program thru RURAL OPPORTUNITIES

In behalf of Senior Services Director M. Eileen Spellman, Personnel Technician Barbara Aiello briefed the Town Board on a program offered by **RURAL OPPORTUNITIES** whereby said agency provides a senior community service employment program for eligible senior citizens. The program is administered by the U.S. Department of Labor for low-income senior citizens. While a municipality can act as a host agency to provide on-the-job training, **RURAL OPPORTUNITIES** pays the individual s wages and any related benefits (such as but may not be limited to workers compensation) for a period of one year, after which the host agency has the option of hiring the trainee as a regular employee or the trainee could become employed in the private sector. Town Board consensus was that the Town Attorney would review the agreement.

HIGHWAY SUPERINTENDENT:

Competitive Bid Results & Award Pick-up Truck

Highway Superintendent Cleveland reported that of four (4) bid specification packages that had been picked up by vendors for the purchase of a Pick-up Truck, only one bid was received at the August 7, 2007 Bid Opening. Steet-Ponte Ford quoted \$15,513.90 for a 2008 Ford Ranger. Thereafter, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 171 OF 2007)

WHEREAS, the Town Superintendent of Highways did, on the 8th day of August, 2007, duly recommend the purchase of certain equipment pursuant to the provision of Section 142 of the Highway Law;

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NOW, THEREFORE, BE IT RESOLVED that, contingent upon available funding, the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, one (1) 2008 Ford Ranger from Steet-Ponte Ford, P.O, Box 250, Yorkville, New York 13495, as per Town specifications, for a maximum aggregate price of Fifteen Thousand Five Hundred Thirteen Dollars and Ninety Cents (\$15,513.90), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, within six (6) to seven (7) weeks from the date of this Resolution. A contract for the pick-up truck purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of the pick-up truck, the Town Supervisor shall pay the amount of \$15,513.90 from budgetary appropriations for purchase of equipment.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

Competitive Bid Sidewalk Program

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

(RESOLUTION NO. 172 OF 2007)

WHEREAS, a Resolution had been adopted on July 11, 2007 authorizing Al Swierczek, P.E., to prepare specifications for the competitive bid process for the 2007 Sidewalk Program and setting August 7, 2007 as the date to receive bids; and

WHEREAS, the specifications had not been completed in time to advertise and receive bids on August 7, 2007;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board shall receive sealed bids for the 2007 Sidewalk Program, as per Town specifications, until 10:45 A.M. on Tuesday, September 4, 2007 in the New Hartford Town Clerk s Office, 48

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Genesee Street, New Hartford, NY where all bids received shall be publicly opened and read aloud at 11:00 A.M. on said date; and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite Invitation to Bid in the Observer Dispatch on August 24, 2007.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

Agreement Roadside Ditching

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

(RESOLUTION NO. 173 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor, or his Deputy, and Highway Superintendent to execute the 2007 Roadside Ditching Agreement between the Town of New Hartford and the County of Oneida acting through the Oneida County Department of Public Works wherein said Town agrees to furnish some machinery and labor to the County for the purpose of providing the County with roadside ditching services to keep Right of Way portions of the highway ditched in accordance with the rules and regulations as set forth by the County, which rules and regulations are made a part of said Agreement for the construction season dating from April 2007 through December 2007.

Upon roll call, the Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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Resolution No. 173 was thereafter declared unanimously carried and duly **ADOPTED**.

Stormwater Advisory Committee

Highway Superintendent Cleveland reported on the July 18, 2007 meeting of the Stormwater Advisory Committee:

- Joanne Faulkner/Oneida County Soil & Water Conservation District attended; will report what they believe they can do the Town at no cost and for cost
- Town Planner gave MS4 report
- Oneida Street creek stabilization; request for technical services deadline is August 13, 2007
- Mudd Creek flooding NYS Department of Environment Conservation will not allow dredging
- Tibbitts-Oxford-Kellogg Road stormwater
- Woodberry Road area work commenced in July 2007
- Mohawk Valley Water Authority / southern reservoir
- Tilden Ave and Tabor Road
- Next Advisory Committee meeting is August 15, 2007.

Declaration of Emergency Situation Commercial Drive (Route 5A)

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

(RESOLUTION NO. 174 OF 2007)

WHEREAS, in 2006 the Town Sewer Department had televised the sanitary sewer main along Commercial Drive, identifying substantial defects; and

WHEREAS, in late July/beginning of August 2007 a Commercial Drive property owner apprised the Sewer Department of a problem with the sanitary sewer main in front of his business; and

WHEREAS, flushing the sanitary sewer main merely flushed gravel back through the pipe; and

WHEREAS, if the sanitary sewer main were to collapse, a health, welfare and safety issue could affect business patrons and residents of the Town of New Hartford, with sanitary sewer overflow potentially draining into catch basins that flow into Mudd Creek; and

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WHEREAS, the Highway/Sewer Superintendent has contracted with an engineering firm with regard to replacement of the sanitary sewer main;

THEREFORE, BE IT RESOLVED that, due to the imminent health, safety and welfare situation created by defects in an approximate six hundred feet (600) of sanitary sewer main along Commercial Drive in the vicinity of the Hartford Queen diner, the Town Board does hereby declare this matter an emergency situation and does hereby authorize the Highway/Sewer Superintendent to proceed with the necessary action to rectify the situation, with the understanding that the estimated cost of \$80,000 to \$90,000 be paid from Fees In Lieu of Mitigation (FILM), Sewer Account, and/or other appropriate accounts, as required.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

Resolution No. 174 was thereafter declared unanimously carried and duly **ADOPTED**.

Agreement 2007 Bituminous Concrete Paving

Upon request of the Highway Superintendent, the following Resolution was offered for adoption by Councilman Waszkiewicz and duly seconded by Councilman Payne:

(RESOLUTION NO. 175 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to issue a ***Notice to Proceed*** to Barrett Paving Materials *after Attorney Green has reviewed and is satisfied with all the bonds and insurance documents submitted by Barrett Paving Materials.*

Upon roll call, the Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

PARKS AND RECREATION DIRECTOR:

Promotion Seasonal Parks & Recreation Employee

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

(RESOLUTION NO. 176 OF 2007)

RESOLVED that the New Hartford Town Board does hereby promote Substitute Lifeguard Lindsay Mundrick to the position of Water Safety Instructor (WSI) for the 2007 Summer Recreation Program at the hourly wage of Eight Dollars and Seventy-five Cents (\$8.75), retroactive to June 25, 2007. the date on which she filled the vacancy created when Sean Dwyer declined his appointment as WSI.

Whereupon, the Town Board voted upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

Summer Recreation Programs

Parks and Recreation Director Jeffery briefed the Town Board on:

- Summer registration for playgrounds, 288 participants and 22 children being placed on a “waiting list
- Swim program with 450 registrants
- Veterans Memorial Park 2nd phase has been completed with plaques being posted
 - the 3rd phase will include a pond
 - the 4th phase will be a parking lot
- Donovan Memorial Park, Chadwicks
 - Relocation of the tennis courts has been completed and the courts will be available to the public within a week or two
 - Basketball has been repaved

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- Splash Pad possibility that it would be completed by mid-September.

TOWN CLERK:

Surplus Vehicle

Town Clerk Gail Wolanin Young stated that the Town was able to sell on e-Bay a 2000 Ford Crown Victoria, VIN 2FAFP71W2YX178920, for the sum of Six Hundred Dollars (\$600). Thereafter, the Deputy Supervisor signed the Certificate of Title to transfer ownership to John Cancelino, Middleville, New York.

SEOR Negative Declaration Zone Map Amendment/Local Law Introductory “B of 2007

Action on Local Law Introductory “B of 2007, having been subject to a Public Hearing on July 11, 2007, had been tabled until a few issues with the Preswick Glen project had been resolved. Subsequently, Planner Schwenzfeier, Codes Enforcement Officer Booth and Senior Engineering Technician Meagher had met with Presbyterian Home Executive Director Raymond Garrett and the property owners adjacent to the Preswick Glen project and the Town has not received any complaints about the continuing development of Preswick Glen. Thereafter, Councilman Payne offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 177 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford, as Lead Agency in the matter of the rezoning request submitted by P H & S Property Management (Tax Map No. 328.000-2-73) does hereby unanimously adopt the determination and findings set forth in the Negative Declaration (SEQR), Notice of Determination of Non-Significance, as prepared by the Town Planner and which will be filed in the Town Clerk s Office.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

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Adoption Local Law Introductory "B of 2007 as Local Law No. Three of 2007

Councilman Payne then moved that Local Law Introductory "B of 2007 be adopted as Local Law No. Three of 2007, in the following format; seconded by Councilman Waszkiewicz:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW NO. THREE OF 2007**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it pertains to property fronting NYS Route 12B (aka Clinton Road), a description of which is set forth in Section 2, and changing the designation of property from **MDR** (Medium Density Residential) to **PDI** (Planned Development Institutional).

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, Section 118-8, and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Section 118-8. Zoning Map

(Change the designation of a 100 x 250 parcel, identified as Tax Map Parcel No. 328.000-2-73, owned by PH & S Property Management, Inc., from MDR [Medium Density Residential] to PDI [Planned Development Institutional].)

SECTION 2. The boundaries and description of said district are as follows:

THAT PIECES OR PARCELS OF LAND, situate in the Town of New Hartford, County of Oneida and State of New York, being a part of Lot No. 67 in the Seventh Division of Coxe's Patent and bounded and described as follows: Beginning at a point in the Utica-Clinton highway, distant 333.7 ft. from the southeast corner of the land conveyed by Owen E. Thomas and Elizabeth, his wife, to Charles B. Luke, of Whitesboro, New York by deed dated June 15, 1927, and recorded in the Oneida County Clerk's Office the same day in Book of Deeds No. 874 at page 141, and running thence westerly along said highway 100 ft. to a stake; thence northerly at right angles with said highway 250 ft. to a stake; thence easterly and parallel with said highway 100 ft. to a stake and thence southerly at right angles with said highway 250 ft. to the place of beginning, being a part of the premises conveyed by Evan Thomas to Owen E. Thomas by deed dated January 24, 1910, and recorded in the Oneida County Clerk's Office February 1, 1910, in Book of Deeds No. 656 at page 240.

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SUBJECT to the restrictions and conditions contained in a deed from Harold E. Thomas, as Executor, to Louis K. and Marja K. Bienkowski dated July 1, 1942, and recorded in the Oneida County Clerk s office on March 1, 1943, in Book of Deeds 1023 at page 495, and further subject to a right of way given by Owen E. and Elizabeth Thomas to Utica Gas & Electric Co. by deed dated June 12, 1920 and recorded in the Oneida County Clerk s office on April 7, 1922 in Book of Deeds 802 at page 457.

SECTION 3. All other provisions of Chapter 118 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	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

Thereafter, Local Law Introductory “B” of 2007 was declared unanimously carried and duly **ADOPTED** as Local Law No. Three of 2007.

Term Expiration Board of Assessment Review Member

The Town Clerk had contacted Board of Assessment Review member Edward Goggin who stated he would be interested in re-appointment to a five-year term when his current appointment expires on September 30, 2007.

Extension Computer OptiPlex Warranty

Warranty on the following computer hard-drives will expire in October 2007 and **DELL** has quoted a total of Four Hundred Seventy-six Dollars (\$476.00) for two-year extended warranties:

- Two (2) Town Clerk s Office
- One (1) Dispatch
- One (1) Parks and Recreation.

Bookkeeper Carol Fairbrother has confirmed there are sufficient monies in Account AA1670.41, Maintenance Agreements, to pay for this non-budgeted item. Thereafter,

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Councilman Payne offered the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 178 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize two-year warranty extensions for the following computer hard-drives at a total cost of \$476.00:

<i>Service Tag</i>	<i>Model No.</i>	<i>Service Contract Expires</i>	<i>New Start Date</i>	<i>Extended Warranty Expires</i>
2GM8X51	OptiPlex GX280	10/22/2007	10/23/2007	10/21/2009
9GM8X51	OptiPlex GX280	10/22/2007	10/23/2007	10/21/2009
8CNXX51	OptiPlex GX280	10/26/2007	10/27/2007	10/25/2009
DCNXX51	OptiPlex GX280	10/26/2007	10/27/2007	10/25/2009

with the expense to be paid from General Fund Whole-Town Account No. AA1670.41, Maintenance Agreements.

A roll call vote was duly held as follows:

- Councilman Waszkiewicz - Aye
- Councilman Woodland - ABSENT
- Councilman Reynolds - Aye
- Councilman Payne - Aye
- Supervisor Reed - ABSENT.

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

Application for Zone Text Amendment PHB Districts; SEOR - Lead Agency Status; GML-239 & Zoning Law Review

On July 30, 2007 the Town Clerk had forwarded copies to the Town Board, Codes Enforcement Officers and Town Planner of Young-Duck Ahn s request for a Zone Text Amendment to allow convenience stores as a permitted use within the Planned Highway Business (PHB) Districts. The Codes Officers responded that the Town s Comprehensive Plan took into account all feasible uses for a PHB Zone and gasoline stations were not considered to be a suitable use for this zone and that the PHB zone was created to mimic the guidelines of a Professional Office (PO) zone with some latitude toward vacant or larger parcels; they also referred to the May 7, 2003 Town Board minutes where a similar but not identical use was suggested and defeated. Planner Schwenzfeier concurred with the Codes Enforcement Officers. Thereafter, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Payne:

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(RESOLUTION NO. 179 OF 2007)

WHEREAS, Young-Duck Ahn had filed an application with the Town Clerk on July 30, 2007 for a Zone Text Amendment to allow convenience stores as a permitted use within the Planned Highway Business Districts (PHB); and

WHEREAS, the Town Planner and Codes Enforcement Officers have reviewed said Zone Text Amendment Application;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby refer the application of Young-Duck Ahn to the Oneida County Planning Department and to the Town Planning Board for their review and written recommendation pursuant to General Municipal Law and the Town's Zoning Law and does further request that the Town Planning Board declare itself as Lead Agency for the State Environmental Quality Review Act (SEQR).

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	ABSENT.

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

2007 Budget Adjustment

Upon request of the Town Clerk-Registrar, Councilman Waszkiewicz offered the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 180 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Bookkeeper Carol Fairbrother to transfer the sum of Twelve Hundred Fifty Dollars (\$1250) from Part-Town General Fund Account B4020.4, Registrar Contractual, to Part-Town General Fund Account B4020.12, Registrar Part-time Clerk.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Payne	-	Aye

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Councilman Reynolds	-	Aye
Supervisor Reed	-	ABSENT.

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

Parade/Procession Permit

Upon presentation of the Town Clerk, Councilman Payne introduced the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 181 OF 2007)

WHEREAS, on August 2, 2007 Wal-Mart applied for a Parade/Procession Permit for the "Run for the Children 12K and 5K Road Race" to benefit the *Children's Miracle Network*; and

WHEREAS, said application had been reviewed by the Town Police Chief who had approved same as to the object, time and route of such parade/procession;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Clerk to issue a Parade/Procession Permit to Wal-Mart for the above-referenced benefit to take place September 8 and September 9, 2007 along Champlin Avenue in the Town of New Hartford.

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

Fireworks Display Permit

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

(RESOLUTION NO. 182 OF 2007)

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

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additional insured, to issue to the Yahnundasis Golf Club a Fireworks Display Permit for the display of fireworks upon their premises at 8639 Seneca Turnpike, New Hartford on August 18, 2007 no later than 9:00 P.M., in accordance with the State Penal Law and regulations set forth in said Permit

The Deputy Supervisor polled the Board members who voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	ABSENT.

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

TOWN PLANNER:

Authorization to Release Retainer Roger s Car Wash

Upon recommendation of Planner Schwenzfeier, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Payne:

(RESOLUTION NO. 183 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Bookkeeper Carol Fairbrother to release the retainer sum of Four Thousand Dollars (\$4,000) to Automotive Dimensions, Inc. (d/b/a Roger s Car Wash), 8477 Seneca Turnpike, New Hartford inasmuch as their project has been completed in accordance with their Pre-Development Agreement with the Town.

The foregoing Resolution was subject to a vote upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	ABSENT.

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

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1999 Zoning Map Update

Upon request of the Planner, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Payne:

(RESOLUTION NO. 184 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Planner to update the Town of New Hartford 1999 Zoning Map to include all zone map amendments from 1999 to date by using GIS and including the Zoning Map posted on the Town s Website and Zoning Map filed in the Town Clerk s Office.

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

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	ABSENT.

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- Oneida County Empire Zone August 2007 meeting has been cancelled
- NYS Route 12 Task Force will hold local focus group and public meeting in September 2007; Councilman Waszkiewicz gave Town Clerk Phase II report digitally but it definitely will be posted on the New York State Department of Transportation website as soon as the final draft is updated with the committee s recommendation
- Town Government structure the press release regarding the Governance Review Committee (the intent having been approved at the July 2007 Town Board meeting) will be presented to the Board members prior to the September 2007 Board meeting.
- Adopt-A-Highway will have something for the September 2007 meeting; Public Works Advisory Committee could review forms that DOT has and make any changes they believe appropriate for the Town
- Snowmobiles/ATV s discussion about posting No Snowmobile/ATV s in Town Parks and New Hartford soccer fields - the Highway Superintendent will be posting New Hartford Street near the Sanger Public Works Garage.

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- Sedgewick Park A past Resolution earmarked dollars to address an issue of water coming off a development affecting several homeowners on Sedgewick Park and Valley View Road; he tabled the matter until the September 12, 2007 Town Board meeting because only three (3) Board members were present
- Stormwater Advisory Committee a meeting was scheduled with the Mohawk Valley Water Authority to discuss of the Southern Reservoir as a detention basin; he met with Donald Weimer (MVWA) and Joanne Faulkner of the Oneida County Soil & Water Conservation District to bring her up to date as well. Councilman Waszkiewicz has e-mailed Grant Writer Connie Minor to determine if this inter-municipal Stormwater project might qualify for a grant.

COUNCILMAN PAYNE:

Assessments - SDG

The Assessment portion of the Town s Webstie by SDG will be completed within a couple weeks; they are awaiting updated maps from Oneida County after which the data will be unveiled and tested out.

2007 Regular Town Board Meetings - Frequency

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

(RESOLUTION NO. 185 OF 2007)

RESOLVED that the New Hartford Town Board does hereby amend the Resolution adopted December 28, 2006 setting forth the dates of the 2007 Regular Town Board meetings so that the following schedule is hereby established for the period September through December 2007:

- September 12 and 26 at the Kellogg Road Community Center Building
- October 10 and 24 at Butler Memorial Hall
- November 14 and 28 at Butler Memorial Hall
- December 12 and 26 at Butler Memorial Hall.

A roll call vote was duly held and resulted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	ABSENT.

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

Advisory Committee Meetings Exemption from Open Meetings Law

According to the New York State Association of Towns, because advisory committees *merely advise* the Town Board and *do not take any action and/or make any binding decisions*, the advisory committees are not subject to the Open Meetings Law; i.e., public notice and posting of their meetings are not required, nor public attendance.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

On recommendation of the Town Supervisor, Councilman Payne presented the following Resolution for adoption; seconded by Deputy Supervisor/Councilman Reynolds:

(RESOLUTION NO. 186 OF 2007)

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. 15	
Vouchers AA1150-AA1157	\$ 4,365.36
General Fund Whole-Town Police Abstract No. 15A	
Vouchers AA1158-AA1159	\$ 454.27
General Fund Whole-Town Abstract No. 16	
Vouchers AA1160-AA1271;	
Vouchers AA1282-AA1290	\$279,548.09
General Fund Whole-Town Police Abstract No. 16A	
Vouchers AA1272-AA1281;	
Vouchers AA1291-AA1315	\$ 46,836.35
General Fund Part-Town Abstract No. 12	
Vouchers BB115-BB124	\$ 23,933.59
Highway Fund Part-Town Abstract No. 11	
Vouchers DB294-DB336	\$ 47,478.35
Sewer Fund Abstract No. 14	
Voucher SS49	\$ 1,412.55
Sewer Fund Abstract No. 15	
Vouchers SS51-SS55	\$ 2,686.42
Street Lighting Fund Abstract No. 9	
Voucher SL9	\$ 7,498.59

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GEIS Capital Abstract No. 4 Voucher HX6	\$ 13,060.00
Drainage Capital Abstract No. 6 Vouchers HC18-HC32	<u>\$ 12,358.97</u>
TOTAL:	\$439,632.54

Whereupon, the Town Board members voted individually as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

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

NEW BUSINESS

Authorization for 2007-2008 Grant Application - Town Court

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

(RESOLUTION NO. 187 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct Town Justices James VanSlyke and William Virkler and Town Supervisor Earle C. Reed, or his Deputy, David M. Reynolds, to complete, execute and submit a Grant Application under the 2007 Justice Court Assistance Program for enhancement of the Town Court facilities/operation.

Upon roll call, the Board voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Payne	-	Aye
Councilman Reynolds	-	Aye
Supervisor Reed	-	ABSENT.

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

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Higby Road Cemetery

A gentleman questioned whether the Town was responsible for the maintenance of a cemetery located on the northerly side of Higby Road; the cemetery is very old and is difficult to see from the road because of tall grass/weeds. The Town Clerk was asked to check with the Codes Department and then contact Councilman Waszkiewicz.

EXECUTIVE SESSION

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

(RESOLUTION NO. 188 OF 2007)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the possible acquisition of real estate.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	ABSENT.

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 7:13 P.M. The Town Clerk was asked to stay in the event the Board wanted to take action after the Executive Session.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 189 OF 2007)

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	-	ABSENT
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye

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Supervisor Reed - ABSENT.

The Deputy Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 7:24 P.M. and the regular portion of the Town Board meeting was immediately reconvened.

Settlement Land Acquisition

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

(RESOLUTION NO. 190 OF 2007)

RESOLVED that, ***contingent upon available funds***, the Town Board of the Town of New Hartford does hereby accept a settlement payment in the sum of Two Thousand Dollars (\$2,000) to Guy Wilcox for the acquisition of land for highway improvements on Sessions Road and that said payment not be made until Guy Wilcox executes a Release against the Town for any claims as a result of said acquisition.

The foregoing Resolution was voted upon by roll call:

Councilman Waszkiewicz - Aye
Councilman Woodland - ABSENT
Councilman Reynolds - Aye
Councilman Payne - Aye
Supervisor Reed - ABSENT.

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Payne and seconded by Councilman Waszkiewicz, the meeting was adjourned at 7:27 P.M.

Respectfully Submitted,

Gail Wolanin Young, Town Clerk