

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT KELLOGG ROAD COMMUNITY CENTER
BUILDING, IN SAID TOWN ON WEDNESDAY,
SEPTEMBER 12, 2007 AT 6:00 P.M.**

Supervisor Reed called the meeting to order at 6:00 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 Robert A. Payne III
Councilman John C. Waszkiewicz III
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Earle C. Reed

OTHER TOWN OFFICIALS: Assessor Paul E. Smith
Codes Enforcement Officers Gerald F. Back and
Joseph Booth
Dispatch Supervisor Jeffrey P. Madden
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo
Planner Kurt Schwenzfeier
Town Attorney Gerald Green
Town Clerk Gail Wolanin Young and
Deputy Town Clerk I Margaret M. Jones

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

MINUTES APPROVAL

August 8, 2007 Town Board minutes

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

(RESOLUTION NO. 191 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 *August 8, 2007* 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 Reynolds	-	Aye

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 2

Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

PUBLIC PRESENTATIONS

Walter G. Dluginski, who had submitted a Petition at the May 9, 2007 Town Board meeting for a lower speed limit on Roberts Road, inquired about the status of this matter. Town Clerk Young had submitted the request, and a copy of the Petition, to the Oneida County Department of Public Works, which in turn, submits the request to the New York State Department of Transportation (DOT). In June 2007, the Town Clerk had received an acknowledgement of the request from the DOT but hasn't received any further communication; the Town Clerk will contact DOT for a status update and then will contact Mr. Dluginski regarding his request. Councilman Payne stated that he would follow up with Chief Philo regarding the speeding on Roberts Road.

Leona Rivkin of Higby Hills Development had contacted the Highway Department several times regarding her mailbox damaged by a Town plow but wasn't informed about the Town's policy addressing the replacement of mailboxes; i.e., that if the receptacle were beyond repair, that the mailbox would be replaced with "...a basic, functional mailbox rather than an in-kind replacement, and that should the resident not accept this basic, functional mailbox, that the Town has no further monetary or replacement obligation." Supervisor Reed explained that this Board Resolution had been adopted in 2001. Councilman Waszkiewicz stated that the original resolution doesn't specifically state that the homeowner will be given the option of either the Town replacing the mailbox or receive money towards the purchase of a new mailbox; Ms. Rivkin prefers that her RubberMaid mailbox be replaced with a like mailbox, not for a Twenty Dollar (\$20) standard mailbox. Councilman Reynolds agreed with the Highway Superintendent's memo that this policy should be posted on the Town's website. Ms. Rivkin believes that Highway Department staff should notify the caller of the mailbox replacement options.

REPORTS OF TOWN OFFICIALS

CODES ENFORCEMENT OFFICER:

Provisional Appointment – Assistant Codes Enforcement Officer

Codes Enforcement Officer Gerald Back announced that because he will be retiring effective January 2008, the Town had advertised for this position, receiving thirty (30) applications that had been screened by the Oneida County Personnel Department and Town Personnel Technician; half of the applicants did not qualify. Recommended for appointment is Thomas Rowlands of New York Mills, who has experience in the

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 3

construction field. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 192 OF 2007)

WHEREAS, Codes Enforcement Officer Gerald F. Back will be retiring effective January 2008; and

WHEREAS, the Town has finalized the application and interview process for qualified applications to fill the position of Assistant Codes Enforcement Officer, said applications having been reviewed by Personnel Technician Barbara Aiello and the Oneida County Department of Personnel;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby provisionally appoint Thomas Rowlands as Assistant Codes Enforcement Officer for the Town of New Hartford, effective November 5, 2007, who will be required to

- pass the New York State Civil Service Examination for Codes Enforcement Officer, placing in the top three (3) on the list of persons who would accept the position
- achieve certification as Codes Enforcement Officer by the State of New York, which is understood may involve a year's time

and

BE IT FURTHER RESOLVED that upon passing the required Civil Service examination and receiving State certification, Mr. Rowland's annual salary would be increased to Thirty-Five Thousand Dollars (\$35,000) a year; payable bi-weekly.

The Board members voted as follows:

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

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

Proposed Legislation – Amend the Code, Chapter 118 (Zoning) - Fees

Codes Enforcement Officer Joseph Booth distributed proposed fee changes, explaining

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 4

through a Power Point presentation that the Codes Department is funded fifty per cent (50%) by the taxpayers, and that the Department would like to reduce this percentage by increasing permit fees so the Department is funded by persons/businesses using the Codes' services. Councilman Waszkiewicz questioned the necessity of a building permit for rental of commercial and residential tents. Town Clerk Gail Wolanin Young will prepare the Local Law Introductory for the fee increases and will forward same to Attorney Green for his review.

HIGHWAY SUPERINTENDENT:

Competitive Bid Results (Rejection) – 2007 Sidewalk Program

Highway Superintendent Cleveland reported that three (3) bid specification packages had been picked up by vendors, with only Power Line Constructors, Inc., submitting a bid of Fifty-two Thousand Five Hundred Fifty-nine Dollars (\$52,559). Upon recommendation of the Highway Superintendent, Councilman Reynolds offered the following Resolution for adoption; seconded by Councilman Waskiewicz:

(RESOLUTION NO. 193 OF 2007)

WHEREAS, one (1) bid was received for the 2007 Sidewalk Improvements project on September 4, 2007 from Power Line Constructors, Inc, 24 Robinson Road, Clinton, NY 13323 in the amount of Fifty-two Thousand Five Hundred Fifty-nine Dollars; and

WHEREAS, after canvassing this sole bid, the Highway Superintendent has recommended that the Town Board reject this bid, which he believes is excessively high;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby reject the sole bid submitted by Power Line Constructors because of the excessively high cost and that the Town Clerk be, and she hereby is, authorized and directed to release the Bid Bond presented by Power Line Constructors, Inc. and that the Bookkeeper be, and she hereby is, directed to issue refunds from the Trust and Agency Account as follows:

- Twenty Dollars (\$20) to Power Line Constructors, Inc., bidder, for return of the bid specification package
- Ten Dollars (\$10) to United Contractors of Utica, NY, Inc., non-bidder, for return of the bid specification package

Upon roll call, the Town Board voted as follows:

Councilman Waszkiewicz - Aye

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 5

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

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

Competitive Bid Results (Rejection) - 2008 Ford Ranger Pick-up Truck

After reviewing the 2007 Highway Department budget, Superintendent Cleveland recommended that the Town Board reject Steet Ponte’s bid because there are insufficient funds to purchase this truck and a new plow. Thereafter, Councilman Payne presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 194 OF 2007)

WHEREAS, a bid was received from Steet-Ponte Ford, 5074 Commercial Drive, Yorkville, New York 13495 on August 7, 2007 in the amount of Fifteen Thousand Five Hundred Thirteen Dollars and Ninety Cents (\$15,513.90) for a 2008 Ford Ranger Pick-up Truck; and

WHEREAS, subsequent to the Town Board adopting Resolution No. 171, contingent upon sufficient moneys being available, the Highway Superintendent has determined there are insufficient funds in his budget to purchase a pick-up and a snowplow;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby repeal Resolution No. 171, adopted August 8, 2007 and does hereby reject the sole bid presented by Steet-Ponte Ford for reasons cited by the Highway Superintendent. Further, the Bookkeeper is hereby authorized and directed to issue from the Trust and Agency Fund a refund of Seven Hundred Seventy-five Dollars and Seventy Cents (\$775.70), which represents the refund of Steet-Ponte’s bid security.

Upon roll call, the Town Board voted as follows:

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

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

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 6

Acquisition of Snowplow – State Bid

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

(RESOLUTION NO. 195 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Highway Superintendent to purchase one (1) new snowplow on State Contract #40580 – 20165 through Fleet Maintenance, at a cost not to exceed One Hundred Nine Thousand Nine Hundred Eleven Dollars and Seventy-Five Cents (\$109,911.75).

The question of 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 Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

Sessions Road Highway Improvements - Wilcox Property

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

(RESOLUTION NO. 196 OF 2007)*Amended 09-26-2007

WHEREAS, the Town Board adopted Resolution No. 190 on August 8, 2007 with regard to 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;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby approve the payment of Two Thousand Dollars (\$2,000) to Guy Wilcox from the Part-town Highway Fund, Contingent Account DB1990.04.

Whereupon, the Town Board members voted individually as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 7

Councilman Reynolds - Aye
Councilman Payne - Aye
Supervisor Reed - ABSTAINED because he has
been a long-time friend of the property owner.

The Supervisor declared the Resolution be carried and duly **ADOPTED**.

Stormwater Management Improvement (Advisory) Committee

The Highway Superintendent reported on the August 15, 2007 Stormwater Management Improvement Committee meeting:

- he spoke with Shumaker Consulting regarding the stormwater project for the Oxford/Tibbitts Road area, and the project has been put on hold.
- the Woodberry area matter is on going and Shumaker Consulting stated the Town should know more when they meet next week
- Joanne Faulkner from Oneida County Soil and Water Conservation would like to continue participating with the stormwater group; at this time at no charge to the Town of New Hartford
- discussion was held on the Tilden Avenue stormwater analysis
- Joanne Faulkner referenced a meeting with the Mohawk Valley Water Authority to investigate the possibility of using the southern reservoir for stormwater management. The Highway Superintendent stated that if the Town can and does use the southern reservoir, then it is imperative that the Town pay particular attention to the DEC permit for the dam and ensure that all current regulations are met

New Hartford Business Park

When the Business Park was proposed in the mid-1990's, it was the intent of the Town to have the collector roads within the Park incorporated into the Town's highway system. The Business Park now has a developer, and the developer is requesting confirmation that this is still the intent of the Town. Councilman Payne presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 197 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford shall dedicate the collector roads in the New Hartford Business Park as publicly owned highways, upon their construction and acceptance by the Town in accordance with the submittal requirements as contained in the Town Code.

Whereupon, the Town Board voted upon roll call as follows:

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 8

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

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

Appointment - Seasonal Employee

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

(RESOLUTION NO. 198 OF 2007)

RESOLVED that the New Hartford Town Board does hereby appoint Scott Brady as a seasonal Highway Laborer, effective September 17, 2007 and for the duration of the leaf pick-up season, at an hourly rate of Eight dollars (\$8.00), payable bi-weekly.

Whereupon, the Town Board voted upon roll call:

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

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

Sauquoit Creek Stabilization Project

The Sauquoit Creek Basin Inter-municipal Commission will receive bids on Thursday, September 27, 2007 for the Sauquoit Creek Stabilization Project. The Highway Superintendent anticipates that within three to four weeks after the bid opening, the improvements will be installed.

PLANNER:

Agreement for Engineering Services – Cedarbrook Senior Living Community

Upon recommendation of Town Planner Schwenzfeier, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Payne:

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 9

(RESOLUTION NO. 199 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Town Supervisor to enter into and to sign a not-to-exceed Eight Thousand Eight Hundred Dollar (\$8,800) Agreement for Engineering Services among the Town of New Hartford, Al Swierczek, P.E., Whitesboro, NY, and the Charles T. Sitrin Health Care Center, Inc., 2050 Tilden Ave., New Hartford, NY, as same relates to the Cedarbrook Senior Living Community; said cost to be paid by the Sitrin Health Care Center, Inc.

A roll call vote ensued:

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

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

SEQR/Proposed Local Law – Subdivision Regulations Update

Upon presentation by Town Planner Schwenzfeier, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 200 OF 2007)

RESOLVED, that the Town Board of the Town of New Hartford does hereby declare itself as Lead Agency in the matter of the update of the Town's Subdivision Regulations and does hereby open the SEQR process with the referral of the proposed local law to the New York State Department of Health, New York State Department of Environmental Conservation and the Oneida County Environmental Health Department.

Upon roll call, the Board members voted as follows:

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

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

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 10

POLICE:

Surplus Vehicles – Disposition

Upon the recommendation of Police Chief Philo, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 201 OF 2007)

RESOLVED that the New Hartford Town Board does hereby declare the following equipment as surplus property and does hereby authorize and direct the Police Chief to dispose of such surplus property on an E-bay auction:

1999 Ford Crown Victoria	VIN #2FAFP71W4XX110777
2004 Ford Crown Victoria	VIN #2FAHP71W54X172077
2004 Ford Crown Victoria	VIN #2FAHP71W74X172078

The Board members voted upon roll call:

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

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

Proposed Legislation - Nuisance Abatement

In response to Councilman Payne's inquiry, Chief Philo explained that the draft local law has been in the process for the past one and one-half to two (1 ½ to 2) years. Basically, the law would hold landlords responsible for conduct of tenants as far as the law allows.

TOWN CLERK:

Raffle – American Red Cross

Upon presentation by the Town Clerk, Councilman Reynolds presented the following Resolution for adoption; seconded by Councilman Payne:

(RESOLUTION NO. 202 OF 2007)

RESOLVED that the New Hartford Town Board does hereby grant permission to the American Red Cross – Utica Chapter, 1415 Genesee Street, Utica, N. Y. 13501, 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 Mall, Route

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 11

5 & 5A, New Hartford, New York 13413, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

Upon roll call, the Town Board voted as follows:

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

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

Training School

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

(RESOLUTION NO. 203 OF 2007)

WHEREAS, Section 77-b of the General Municipal Law allows the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby grant permission to interested Department Heads to attend the quarterly meeting of the Oneida County Association of Towns on September 25, 2007 to be held at the Buffalo Head Restaurant in the Town of Forestport, New York, with expenses to be borne by said Town as budgeted.

The Resolution was voted upon by roll call as follows:

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

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

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 12

Crop Walk Signs

A representative of the “Crop Walk” had contacted the Town Clerk’s Office seeking approval to post three (3) 18” X 24” wire signs within the Town to advertise the September 29, 2007 fund-raising event. Although the Town Clerk attempted to obtain further information, she has not received a return call from Elma Walton; therefore, the Town Board took no action until further details could be obtained.

Reconfiguration – Town Clerk-Registrar’s Office

Due to confidential matters involving birth and death records, marriage licenses, disabled parking permit applications, etc., the Town Clerk recommended that the Town Board consider reconfiguring the Town Clerk-Registrar’s Office to provide privacy for customers. Supervisor Reed acknowledged that the Town Clerk had submitted this request last year. Councilman Payne offered to head-up this matter.

ASSESSOR:

Retirement - Real Property Service Tax Aide

Assessor Smith announced that Real Property Service Tax Aide Janet Halpin is retiring after thirty-one (31) years of service on September 21, 2007, and he requested permission to advertise this vacancy. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 204 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Personnel Technician II Barbara Aiello to place an Advertisement in the Observer Dispatch that the Town of New Hartford will receive applications for the position of Real Property Service Tax Aide.

The Town Board members voted upon roll call as follows:

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

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

Hourly Wage Increase – Sub Clerk/Assessor’s Office

Upon recommendation of the Assessor, Councilman Payne presented the following Resolution for adoption; seconded by Councilman Woodland:

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 13

(RESOLUTION NO. 205 OF 2007)

WHEREAS, Charles Kobielski has been a Sub Clerk for the Town of New Hartford, and specifically, in the Assessor's Office since November 15, 2006; and

WHEREAS, due to the retirement of Janet Halpin, clerical assistance is needed in the Assessor's Office until a full-time appointment is made and to help train the new employee;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby increase the hourly wage of Charles Kobielski to Eleven Dollars (\$11), payable bi-weekly, retroactive to September 7, 2007 and until a person is hired and trained as the Real Property Service Tax Aide.

Whereupon, the Town Board voted upon roll call:

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

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

Systems Development Group (SDG) - Assessment Software Program Update

Assessor Smith reported that the assessment program is ready to be down loaded to the website and the Assessor is awaiting Town approval. Councilmen Woodland and Waszkiewicz were the only Board members who had not reviewed the program yet. Councilman Payne presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 206 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Assessor Paul Smith/Systems Development Group post the SDG assessment software program on the Town's Website; this program includes mapping, sales and everything for which the Assessor receives requests from taxpayers.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 14

Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

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

MATTERS SUBMITTED BY STANDING COMMITTEE(S)

Assessor – Board of Assessment Review appointment

The Town Board deferred action on an appointment until the September 26, 2007 Town Board meeting.

MATTERS SUBMITTED BY TOWN ATTORNEY

ATTORNEY GREEN:

Service Award Program – Willowvale Fire Company

Attorney Green stated that the Resolution to be adopted will enable the Town go to the public for their information; the Town Clerk's office will post the Resolution on the Town's Website. Basically, the Town Board tonight will be designating the date of the referendum. Then the Town will count back from that date to have the necessary vote sites reserved, when absentee ballots will be offered, registration for voting. As per the representative from Bailey, Haskell and LaLonde this is a thirty to forty-five day (30 to 45) period, but according to Bond Consul, the period is sixty to seventy-five days (60 to 75 days). The voters will need to be identified and notified by mail and a public hearing will need to be held before the vote. Affordable Benefits group will prepare and furnish information that the Town needs to post on the Website and be mailed to the affected voters. December 11, 2007 was recommended for the Special Election and Fire Chief William Hughes and Fire Co. President Gary Edwards had no objection to this date. Thereafter, Councilman Payne presented the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 207 OF 2007)

RESOLVED by the New Hartford Town Board by favorable vote of not less than sixty percent (60%) of its town Board members was the following:

RESOLVED, the Town of New Hartford Town Board on behalf of the Willowvale Fire Co., Inc. shall hold a mandatory referendum for the eligible voters residing within the Willowvale Fire Protection District to determine whether or not the Town Board shall establish a Service Award Program as provided in Section 216 of General Municipal Law, and it is further

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 15

RESOLVED, that all provisions of the proposed Program shall be in accordance with Article 11-A of the General Municipal Law as amended and include the following information as represented to the Town Board by the Willowvale Fire Co., Inc.:

- Name of fire company: Willowvale Fire Company, Inc.
- Type of Service Award Program: Defined Benefit Program as outlined in Section 219 of the General Municipal Law and not a Defined Contribution Program as described in Section 218 of the General Municipal Law.
- Administration of the Program: by political subdivision (Town Board) and not the State of New York.
- The minimum age to participate in the Service Award Program shall be eighteen (18) unless an official Explorer Program or other similar program exists at which entry into this program shall be age sixteen (16).
- Entitlement age under the program: sixty-five (65) with at least one (1) year of active plan participation.
- Estimated annual cost of program shall be: \$64,091.77 based on the proposed membership consisting of forty-five (45) participants, which averages \$1,424.27 per participant.
- Estimated annual administration fee shall consist of: a charge of \$225.00 per actuarial certification and an annual administration fee of \$1,600.00 plus \$6.50 per active and qualifying volunteer member.
- Projected monthly award to be paid to eligible volunteer firefighters: \$15 times total years of service not to exceed 40 years with a maximum monthly benefit of \$600.00.
- Estimated annual cost per covered participant: \$1,424.27 (see above).
- Number of years of fire service required to obtain a non-forfeitable right to a service award: 5 years.
- The activities for which points shall be granted toward a year of fire service: Those activities listed in Section 217 of Article 11-A of the New York State General Municipal Law and as adopted by the Willowvale Fire Department.
- The amount of the contribution to the program to be made on behalf of each participant credited with a year of fire service: The estimated benefit of the Service Award Program shall be \$15.00 multiplied by years of service. Past Service shall be limited to the five (5) calendar years immediately preceding the adoption of the Service Award Program. Total years of service shall not exceed forty (40) years. Years of Service shall be calculated as of January 1, 2008, the effective date of the Program.
- The extent to which the program provides for contributions for fire service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program: only the five years immediately preceding the effective date of the plan.

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 16

- In the case of a service award program which provides for contributions for fire service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program, the timing and method of financing such contributions: contributions to be paid at least annually, the past service to be amortized over 20 years.
- Contributions shall be made at least annually and past service shall be amortized over a twenty (20) year period.
- The program shall include a Death Benefit of the greater of \$15,000.00 or the present value of accrued benefit at the time of death. The program shall also carry a disability benefit that will be equal to the present value of accrued benefit at the time of disability.
- A point system shall be constructed pursuant to Section 217 of General Municipal Law. A year of firefighting service shall be credited under the Service Award Program for each calendar year commencing on January 1, 2008 in which an active and qualifying firefighter accumulates at least fifty (50) points.
- A participant shall be 100% vested upon completion of five (5) years of service.
- The payment of the award to a plan participant shall be in the form of a Life Annuity with 120 payments guaranteed and such payments shall be equivalent to any other method of payment permitted under the law.
- The Service Award Program Payments are authorized to commence one year after the date the Service Award Program is established.
- The Death and Disability Payments are authorized to commence upon the date the Service Award Program is established.
- That date as of which the program shall take effect: January 1, 2008
- The date on which the proposition authorizing the adoption of the program shall be submitted to referendum shall be: December 11, 2007; and it is further

RESOLVED, that additional information from the Willowvale Fire Co., Inc., by and through Affordable Benefit Concepts, Inc., regarding participation in and administration of the Service Award Program, along with the total and individual taxpayer cost thereof, as well as the funding methodology and voting process shall be communicated by public hearing, printed materials mailed to residents within the Willowvale Fire Protection District and the posting of information on the Town's Website; and it is further

RESOLVED, that within 30 days of voter approval of the referendum, the Town Board shall notify the State Comptroller of the adoption of the service award program, whether the service award program will be a defined contribution program or a defined benefit plan, and whether the plan will be administered by the Town Board or the State of New York; and it is further

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 17

RESOLVED, that no member of the Town Board serves as a member of a volunteer fire company, except Councilman David Reynolds, who is a member of the Village of New Hartford Volunteer Fire Department.

The adoption of the foregoing Resolution was recorded by the Town clerk and duly put a vote by roll call which resulted as follows:

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 208 OF 2007)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the following matters:

- Applewood Community vs Town - pending litigation
- Preswick Glen - pending litigation
- Matters leading to the re-appointment of a particular employee
- NYS Department of Environmental Conservation – proposed litigation
- Proposed acquisition of real estate for Town office space

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. All persons present, including the news media, were then excused from the meeting at 7:06 P.M. The Town Clerk was asked to stay in the event the Board wanted to take action after the Executive Session.

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 18

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 209 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	-	Aye
Councilman Reynolds	-	Aye
Councilman Payne	-	Aye
Supervisor Reed	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; the Executive Session ended at 8:06 P.M. and the regular portion of the Town Board meeting was immediately reconvened, with the public being invited to re-join the meeting.

Agreement/cost sharing of legal fees – Preswick Glen

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

(RESOLUTION NO. 210 OF 2007)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Attorney Gerald Green to prepare a written agreement pertaining to the cost sharing of legal fees with regard to the Preswick Glen legal matter (26% County, 74% Town).

A roll call vote was duly held as follows:

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

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

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 19

Re-appointment – Sole Assessor

The following Resolution was offered for adoption by Councilman Payne and duly seconded by Councilman Reynolds:

(RESOLUTION NO. 211 OF 2007)

RESOLVED that the New Hartford Town Board does hereby re-appoint Paul E. Smith as Sole Assessor for the Town of New Hartford for the six (6) year statutory term, commencing October 1, 2007 and ending September 30, 2013.

The Supervisor polled the Board members who voted as follows:

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

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

Freedom of Information (FOIL) Appeal – Assessment Data

Attorney Green acknowledged receipt of the FOIL Appeal submitted by the Lawrences with regard to the 2007 Tentative and 2007 Final Assessment Rolls; he will review all paperwork leading up to the FOIL appeal by the deadline of September 21, 2007 and if a special meeting or additional time is needed, then it will be addressed at that time.

Audit – Town Court Records

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

(RESOLUTION NO. 212 OF 2007)

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective town and village auditing boards, and that such records then be examined or audited and that fact be entered into the minutes of the board's proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby acknowledge that Patrick M. Tyksinski, CPA PC, 1 Campion Road, New Hartford, NY 13413 has duly performed an independent audit of the cash receipts and cash disbursements of the Town of New Hartford Justice Courts for the year ended December 31, 2006.

REGULAR TOWN BOARD MEETING

September 12, 2007

Page 20

Upon roll call, the Board members voted as follows:

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

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- Stormwater on Sedgewick Park – would like Board approval to honor the previous administration’s monetary commitment to address mitigation of this issue (\$1500); neighbors couldn’t decide on a corrective route. Could be construed as a “back-yard” fix. Matter tabled until September 26, 2007 Town Board meeting
- NYS Route 12 Task Force – conducting three (3) meetings, with the local meeting being conducted Tuesday, September 25, 2007 at the Kellogg Road Community Center Building [5-6:30 PM for local officials and primary stakeholders/business meeting; 7-9:00 PM for public comment and input]
- Oneida County Empire Zone – agenda and paperwork from August 28, 2007 meeting will be forward to Town Clerk’s Office
- Wireless broadband initiative – no written responses from vendors. Individual committee members will be personally following up to gather the documentation
- Citizen Committee – to study and recommend any potential adjustment in the governing – will distribute findings of 1999 review for consideration and comment; will solicit volunteers by press release
- Stormwater Management Improvement (Advisory) Committee – Town Clerk’s Office had identified twelve (12) Town Board minutes referencing stormwater and twelve (12) Town Board agendum referencing stormwater over the past twelve (12) months. With regard to meetings of the Stormwater Management Improvement Committee that had been created in May 2007 to advise the Town on prioritizing and management, etc. on stormwater issues and improvements, Councilman Waszkiewicz wanted a consensus that the advisory committee meetings be open to the public. Councilman Payne had researched opinions rendered by the State’s Committee on Open Government and had determined that advisory committees are not subject to the Open Meetings Law; he will bring documentation to the Town Clerk.

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 21

[NOTE: (8/8/07 Town Board Minutes) 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.]

Motion -

Thereafter, Councilman Waszkiewicz moved that the advisory committee meetings be open to the public and Councilman Woodland seconded same. Prior to a roll call vote, Councilman Waszkiewicz was asked if his motion would include all advisory committees and he responded, specifically Stormwater (Management Improvement) Committee.

Whereupon, the Town Board members voted as follows:

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

The Supervisor declared the motion **DEFEATED**.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

Supervisor Reed presented the following Resolution and moved its adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 213 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. 17	
Vouchers AA1291-AA1305;	
Vouchers AA1309-AA1310	\$ 27,266.00
General Fund Whole-Town Police Abstract No. 17A	
Vouchers AA1306-AA1308	\$ 1,323.01
General Fund Whole-Town Abstract No. 18	
Vouchers AA1316-AA1448;	
Vouchers AA1467-AA1488	\$126,005.32

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 22

General Fund Whole-Town Police Abstract No. 18A	
Vouchers AA1449-AA1466;	
Vouchers AA1489-AA1502	\$ 44,789.12
General Fund Whole-Town Abstract No. 19	
Vouchers AA1503-AA1505	\$ 8,672.50
General Fund Part-Town Abstract No. 13	
Vouchers BB125-BB141	\$ 11,162.30
Highway Fund Part-Town Abstract No. 12	
Vouchers DB337-DB401	\$ 72,289.92
Sewer Fund Abstract No. 16	
Voucher SS56	\$ 1,231.10
Sewer Fund Abstract No. 17	
Vouchers SS57-SS66	\$ 12,039.96
Street Lighting Fund Abstract No. 10	
Voucher SL10	\$ 7,388.44
GEIS Capital Abstract No. 5	
Voucher HX7	\$ 15,097.80
Higby Rd Water Capital Abstract No. 6	
Voucher HF9	\$ 75.00
Drainage Capital Abstract No. 7	
Vouchers HC37-HC42	<u>\$ 2,025.31</u>
TOTAL:	\$439,632.54

Whereupon, the Town Board members voted individually as follows:

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

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

NEW BUSINESS

Inter-municipal Agreement for Building Code Services – Village of New Hartford

The Village of New Hartford has approved the Inter-Municipal Agreement for 2007 wherein the Town would continue to provide Building Code services the Village in accordance with the terms and conditions set forth in the initial Agreement entered into for 2003, and any amendments thereto. Thereafter, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Payne:

REGULAR TOWN BOARD MEETING
September 12, 2007
Page 23

(RESOLUTION NO. 214 OF 2007)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize and direct the Town Supervisor to enter into and to execute an Inter-Municipal Agreement between the Town and the Village of New Hartford, wherein said Town will provide Building Code services to said Village during Calendar Year 2007 in accordance with the same terms and conditions set forth in the 2003 Inter-municipal Agreement and any amendments thereto; a copy of the 2007 Agreement will be filed in the respective Clerks' Offices.

Upon roll call, the Board members voted as follows:

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

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

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting was adjourned at 8:19 P.M.

Respectfully Submitted,

Gail Wolanin Young
Town Clerk

Margaret M. Jones
Deputy I