

**REGULAR MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK, HELD  
AT BUTLER MEMORIAL HALL, IN SAID TOWN ON  
WEDNESDAY, OCTOBER 10, 2007 AT 6:00 P.M.**

In the absence of the Town Supervisor who was out of town, Deputy Town Supervisor/Councilman Reynolds 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 David M. Reynolds  
Councilman Richard B. Woodland, Jr.

**ABSENT:** Councilman John C. Waszkiewicz III  
Supervisor Earle C. Reed

**OTHER TOWN OFFICIALS:** Attorney for the Town, Gerald R. Green  
Highway Superintendent Roger A. Cleveland  
Police Chief Raymond L. Philo  
Town Clerk Gail Wolanin Young and  
Deputy Town Clerk I Margaret M. Jones

Thereafter, a quorum was declared present for the transaction of business. Councilman Waszkiewicz was unable to attend the meeting due to medical reasons.

**MINUTES APPROVAL**

**September 21, 2007; September 26, 2007 and October 5, 2007 Town Board Minutes**  
Councilman Payne introduced the following Resolution for adoption, seconded by Councilman Woodland:

**(RESOLUTION NO. 234 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Special* Town Board meetings held *September 21 and October 5, 2007* and the *Regular* Town Board meeting held *September 26, 2007* and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

|                        |   |        |
|------------------------|---|--------|
| Councilman Waszkiewicz | - | ABSENT |
| Councilman Woodland    | - | Aye    |
| Councilman Payne       | - | Aye    |
| Councilman Reynolds    | - | Aye    |

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Supervisor Reed - ABSENT.

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

**PUBLIC PRESENTATIONS**

There were none.

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Vehicle & Traffic - Local Law Introductory "E"/ Proposed Stop Sign Legislation**

After presentation by the Highway Superintendent, Councilman Woodland introduced the following legislation for the Town Board's consideration at a future public hearing; co-sponsored by Councilman Payne:

**TOWN OF NEW HARTTORD, NEW YORK**  
**LOCAL LAW INTRODUCTORY "E" OF 2007**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 113** thereof entitled **VEHICLES AND TRAFFIC**, by establishing an additional Through Street (Section 113-40) and an additional Stop Street (Section 113-41).

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

**SECTION 1.** Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

| <i>NAME OF<br/><u>THROUGH</u><br/><u>CONTROL</u><br/>STREET</i> | <i>NAME OF<br/><u>ENTRANCE</u><br/>STREET</i> | <i>DIRECTION<br/><u>FROM WHICH</u><br/>ENTERING</i> | <i>TRAFFIC<br/><br/>DEVICE</i> |
|---|---|---|--------------------------------|
| Pleasant Street   | Waterford Lane                                | Southwest   | Stop Sign                      |

**SECTION 2.** Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

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| <u>STOP SIGN ON</u> | <u>DIRECTION<br/>OF TRAVEL</u> | <u>AT INTERSECTION OF</u> |
|---------------------|--------------------------------|---------------------------|
| Waterford Lane      | Northeast                      | Pleasant Street           |

**SECTION 3.** All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

**SECTION 4.** This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

**Schedule Public Hearing – Local Law Introductory “E” of 2007**

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

**(RESOLUTION NO. 235 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby schedule a Public Hearing to be conducted on Wednesday, October 24, 2007 in Butler Memorial Hall at 6:00 P.M., or as soon thereafter as reached in the regular course of business, to consider Local Law Introductory “E” of 2007 which, if adopted, would amend the Town Code, Chapter 113 thereof entitled VEHICLES AND TRAFFIC, by designating Pleasant Street as a through street as its intersection with Waterford Lane and designating Waterford Lane as a stop street at its intersection with Pleasant Street; and be it

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

A roll call vote ensued:

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

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

**Declaration of Surplus Vehicles – Authorization to Sell**

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

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**(RESOLUTION NO. 236 OF 2007)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby declare as surplus the following vehicles:

| <u>Year</u> | <u>Make/Model</u>              | <u>VIN</u>        |
|-------------|--------------------------------|-------------------|
| 2000        | Ford Crown Victoria            | 2FAFP71WOYX175644 |
| 1999        | International Dump Truck (#72) | 1HTSCAAL4XH667487 |

And be it

**FURTHER RESOLVED** that the aforesaid vehicles shall be placed for sale on e-Bay and once sold, the Town Clerk's office shall be notified and shall arrange to terminate insurance coverage on said vehicles.

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

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

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

**Trash Collection – Dumpster Day**

Highway Superintendent Cleveland reminded the Town Board and residents that the last dumpster day will be Saturday, October 27, 2007 from 7:00 A.M. to 2:30 P.M. at the Sanger Public Works Garage.

**Stormwater Management Improvement (Advisory) Committee**

Since the September 26, 2007 Town Board meeting, the Stormwater Committee has met a couple times, taking tours of proposed sites for drainage improvement. Committee persons enjoyed the tours and have an appreciation for what needs to be accomplished. The October meeting will address the selection of consultants and also look at more areas that need improvement; often, drainage problems start in a different location. The Committee is working on prioritizing the drainage improvement areas.

**NYS Dept. Environmental Conservation (DEC) matters**

- Part-County Sewer District and Consent Order - The Highway Superintendent has been talking with Oneida County's consultants about all the initiatives that need to be submitted and agreed upon between the County and DEC by year's end

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- Consent Order – Rayhill Memorial Trail – Oneida County was required to pay a \$150,000 fine related to the Part-County Sewer District and the County was successful in DEC agreeing that 20% of that fine could be allocated toward a local environmental beautification project; instead of paying \$30,000 to DEC, the money will be made available to the Sauquoit Creek Basin Inter-municipal Commission who will administer the installation of a dedicated parking facility for trail use at the Middlesettlement Road BOCES property. Most likely, inter-municipal agreements will need to be executed among DEC, BOCES, the Town of New Hartford, the Sauquoit Creek Basin Inter-municipal Commission and possibly the Town of Whitestown. This project has been submitted to DEC and preliminary indications are that the project will be approved by DEC.

**TOWN CLERK:**

**2007 Budget Adjustment**

Upon request of the Town Clerk, Councilman Woodland introduced the following resolution for adoption; seconded by Councilman Payne:

**(RESOLUTION NO. 237 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to make the following 2007 budget adjustment:

- *Decrease* Account AA1460.4 (Records Management contractual expense) by \$426.00
- *Increase* Account AA1640.2 (Records Management equipment) by \$426.00
  - *Purpose:* Purchase typewriter to replace one that is no longer operable and repairable.

The Resolution was subject to a vote upon roll call:

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

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

**Tri-Party Security and Custodial Agreement**

In behalf of the Bookkeeper, the Town Clerk presented a collateral agreement to be entered into due to the recent merger of Partners Trust Bank with M & T Bank.

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

**(RESOLUTION NO. 238 OF 2007)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a *Tri-Party Security and Custodial Agreement* among the Town of New Hartford, Manufacturers and Traders Trust Company (M & T Bank), and the Bank of Utica.

Upon roll call, the Town Board voted as follows:

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

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

**Budget Time Line**

The Town Clerk reminded the Board members about the budget calendar and the need to reschedule the November 2007 Board meetings to meet statutory deadlines. Specifically, the Preliminary Budget needs to be completed and filed in the Town Clerk's Office in sufficient time so as to allow the Town Clerk to publish and post the Notice of Public Hearing upon said Budget. The Hearing must be conducted on or before the Thursday immediately following the General Election, which this year is November 6, 2007; therefore, the Hearing must be held on or before November 8, 2007 and the Preliminary Budget must be adopted as the Annual Budget on or before November 20, 2007. At present, the November Town Board meetings are scheduled for the 14<sup>th</sup> and 28<sup>th</sup>. The matter was deferred until the October 24, 2007 Town Board meeting.

**2010 Census**

To Deputy Supervisor/Councilman Reynolds' inquiry of who was taking care of the 2010 Census and who was attending the meetings, the Town Clerk responded that Planner Kurt Schwenzfeier was handling this.

**TOWN POLICE CHIEF:**

**Appointment – Part-time Employee**

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

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**(RESOLUTION NO. 239 OF 2007)**

**WHEREAS**, a vacancy exists for the position of Part-time Animal Control Officer due to the resignation of Nicole Panetta who moved to the Albany area;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Joseph P. Zwijacz to fill the position of Part-time Animal Control Officer, effective Sunday, October 14, 2007, at the hourly wage of Eleven Dollars and Twenty-six Cents (\$11.26), wages to be paid bi-weekly.

The Board members voted as follows:

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

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

**DIRECTOR OF SENIOR SERVICES:**

***New Hartford Adult Dining & Activity Center***

Deputy Supervisor/Councilman Reynolds announced that the Dining & Activity Center would be conducting their 21<sup>st</sup> anniversary celebration on Friday, October 12, 2007 and the public is welcome to attend.

**MATTERS SUBMITTED BY COUNCILMEN AND ATTORNEY FOR THE TOWN**

**ATTORNEY FOR THE TOWN:**

***Status - Preswick Glen Litigation***

Attorney Green had talked with Special Counsel Daniel Vincelette about the status of litigation (tax exempt status for Preswick Glen), which is in the discovery stage:

- Demands have been made on opposition by Attorney Vincelette with regard to Preswick Glen's position
- Once demands are complied with in normal course of matter, documents will be evaluated
- Depositions scheduled
- At conclusion of depositions, either additional discovery required or ready to proceed

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- At this point, Attorney Vincelette plans to address the Town Board concerning the litigation standpoint.

Answering resident questions, Attorney Green stated that Attorney Vincelette would try to avoid duplication of services, try not to get in each other's way, share information obtained along the way. Depositions and people being questioned will be in the same room at the same time. Attorney Vincelette indicated he's monitoring several other cases that could shed light on this matter and/or parallel this matter.

### **COUNCILMAN REYNOLDS:**

#### **Town Office Space at Sanger Public Works Garage and Jerome Madden Justice Building**

Councilman Reynolds emphasized that the overcrowding of offices at the Sanger Public Works Garage, and the Jerome K. Madden Justice Building (Police and Courts) has not changed and is a real problem. Issues remain and J. Joseph Yagey and Hans G. Arnold have volunteered to review all data compiled over the years, property and parcels and what's off the market. They will submit a report to the Town Board.

### **COUNCILMAN PAYNE:**

#### **Energy Costs**

Energy suppliers (gas and electric) have contacted Councilman Payne and the Town's various accounts will be evaluated for 2008 to determine if the Town can save money and perhaps look at projects that can help reduce energy consumption.

#### **Kellogg Road Community Center Bldg (potential closing during winter)**

After reviewing public use of the Kellogg Road Community Center Building during 2006 and the 2006-07 winter, Councilman Payne reported that the Town had received Eight Hundred Dollars (\$800) in rental fees during that winter period; and if the building were closed for four (4) months during the winter, the Town would realize an estimated savings of at least Three Thousand Dollars (\$3,000) in energy costs. Consideration may be given to close the building at the end of November 2007 in order to give various municipal boards, individuals, and organizations proper notice to reschedule. A new roof structural maintenance is needed – an old building that has issues.

### **PUBLIC PRESENTATION**

#### **Jerome Madden Justice Building:**

A New Hartford firefighter stated he recently responded to a medical call at the Jerome Madden Justice Building where an individual was lying on the floor and people were almost stepping on him because of the overcrowding and there was no place to move. He



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believes this overcrowding is a danger to people who work and visit the building, which he believes "...is bulging at the seams." .....

**\*Amended; refer to Resolution No. 251 in the November 7, 2007 minutes**

Referring to the firefighter’s remarks, Mr. Wiatr would like the Town Board to look at this in a prudent manner. He’s "...all for a new police building under the right circumstances" and thinks the Town Board should bring in citizens for their input.

**MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 240 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. 22         |              |
| Vouchers AA1578-AA1592                          | \$ 13,115.16 |
| General Fund Whole-Town Police Abstract No. 22A |              |
| Vouchers AA1593-AA1599                          | \$ 2,198.97  |
| General Fund Whole-Town Abstract No. 23         |              |
| Vouchers AA1600-AA1642;                         |              |
| Vouchers AA1658-AA1673                          | \$100,798.49 |
| General Fund Whole-Town Police Abstract No. 23A |              |
| Vouchers AA1643-AA1657                          | \$ 36,754.36 |
| General Fund Part-Town Abstract No. 15          |              |
| Vouchers BB156-BB160                            | \$ 3,620.01  |
| Highway Fund Whole-Town Abstract No. 1          |              |
| Voucher DA1                                     | \$ 200.00    |
| Highway Fund Part-Town Abstract No. 14          |              |
| Vouchers DB419-DB431                            | \$ 54,347.83 |
| Sewer Fund Abstract No. 19                      |              |
| Voucher SS69                                    | \$ 64.00     |
| Sewer Fund Abstract No. 20                      |              |
| Vouchers SS70-SS73                              | \$ 3,227.63  |
| Drainage Capital Abstract No. 9                 |              |
| Voucher HC46                                    | \$ 104.50    |

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|  |                     |
|--|---------------------|
| Drainage Capital Abstract No. 10<br>Vouchers HC47-HC53     | \$ 9,810.51         |
| Higby Road Water Tank Abstract No. 7<br>Vouchers HF10-HF11 | \$ <u>688.98</u>    |
| <b>TOTAL:</b>  | <b>\$224,930.44</b> |

Whereupon, the Town Board members voted individually as follows:

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

This Resolution was declared 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 Woodland, the meeting was adjourned at 6:40 P.M.

**Respectfully submitted,**

**Gail Wolanin Young**  
**Town Clerk**