

**SPECIAL MEETING OF THE TOWN BOARD OF  
THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT BUTLER MEMORIAL HALL, NEW HARTFORD  
ON THURSDAY, NOVEMBER 18, 2004 AT 7:00 P.M.**

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

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

**OTHER TOWN OFFICIALS:** Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger A. Cleveland  
Police Chief Raymond Philo  
Telecommunicator Supervisor Jeffrey P. Madden  
(Arrived 7:40 PM)  
Town Clerk Gail Wolanin Young, CMC/RMC

**OTHERS:** Attorney Vincent J. Rossi, Jr. (arrived 7:20 PM)

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

**PUBLIC PRESENTATION**

**PARTLOW BUILDING FEASIBILITY STUDY:**

Donald Bataille of *HBMA, PLLC* distributed copies of the *DRAFT* feasibility study on the usefulness for conversion of the Partlow Building from office and industrial use to Town of New Hartford administrative offices and the police, court and senior center. With copies of the *DRAFT* available to the Town Board and general audience, Mr. Batielle reviewed the study page-by-page.

Director of Senior Services M. Eileen Spellman expressed concern that only 1700 square foot was being allocated for her department when the current site is a 5400 square foot facility.

Police Chief Philo believed the one hundred (100) parking spaces were insufficient to accommodate Town employees and customers, particularly when court is in session.

The Town Clerk inquired if department heads would have the opportunity to meet with *HBMA* representatives to discuss their needs and office layout before plans are finalized; the response was "yes." [NOTE: The Records Center storage area should not have

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multiple doors for access by other departments; the gatekeeper is the Town Clerk-Records Management Officer who has custody of the records.]

The Town Supervisor will investigate whether additional, adjacent property might be available to resolve the parking concerns.

New Hartford Fire Chief David Reynolds commented that the architect and Town Board should also consider access to the site by fire-fighting equipment.

The presentation concluded at 9:05 P.M.

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Agreements – 2005 Fire Protection Districts**

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

**(RESOLUTION NO. 386 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct that the following Agreements for Fire Protection be approved and executed by the respective parties for fiscal year 2005:

- Fire District #1 and 2 with the Village of New Hartford and its Fire Department  
\$415,302
- Fire District #3 with the Village of New Hartford and its Fire Department  
\$36,114
- Fire District #4 with the Willowvale Fire Company, Inc.  
\$250,000
- Fire District #5 with the Village of New York Mills and its Fire Department  
\$69,128.

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

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

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Supervisor Humphreys - Aye  
Councilman Backman - Aye.

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

**REPORTS OF TOWN OFFICIALS**

**HIGHWAY SUPERINTENDENT:**

**Competitive Bid/2004 Paving Project - Retainage**

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

**(RESOLUTION NO. 387 OF 2004)**

**WHEREAS**, Jana Rock has substantially completed the work under the 2004 Paving Contract and will return in the Spring of 2005 to complete the work of the contract;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby authorize a reduction in the retainer provided by Jana Rock from the current Eighteen Thousand Dollars (\$18,000) to a retainer of Nine Thousand Dollars (\$9,000).

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

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

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

**Proposed Stormwater Management Study – Area of Snowden Hill/Oxford and Kellogg Road**

The Highway Superintendent had contacted the *Longworth Acres* developer about the November 17, 2004 Town Board discussion on stormwater management issues and the developer will put in writing what he verbally told the Highway Superintendent. The Highway Superintendent will check with the Town Planner about the comprehensive plan. Superintendent Cleveland will discuss this with the Town Planning Board and bring back their recommendation to the Town Board.

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**Pre-Development Agreement/MOU – Men’s Warehouse**

This matter was discussed at the November 17, 2004 Town Board meeting. Subsequently, the Highway Superintendent talked with Planner Kurt Schwenzfeier who stated that the additional parking spaces still meets the thirty-four percent (34%) green space and sixty-six percent (66%) impervious requirements – meets GEIS standards. The applicant didn’t appear before the Planning Board because a Building Permit was obtained to renovate the inside of one of the buildings and staff, in reviewing the project, identified only that twelve (12) additional parking spaces was required. Thereafter, the following Resolution was introduced for adoption by Councilman Woodland and duly seconded by Councilman Butler:

**(RESOLUTION NO. 388 OF 200.)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement between the Town of New Hartford and TS New Hartford Plaza (Men’s Warehouse), 4642 – 4662 Commercial Drive, New Hartford, NY wherein said TS New Hartford Plaza, identified as Tax Map No. 328.008-1-6.1, would contribute, as per the conditions of said Pre-Development Agreement, the total sum of Three Thousand Dollars (\$3,000) as same relates to twelve (12) additional parking spaces in this shopping plaza within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area.

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

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

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

**MATTERS SUBMITTED BY ATTORNEY**

**Dr. Wilcox’ well – Sessions Road**

Attorney Rossi reviewed bills received for a new well and pump, exclusive of excavation costs. The Board recalled that the general consensus was the Town would pay for everything but a new pump. Attorney Rossi will negotiate a settlement and prepare a release for Dr. Wilcox to sign.

**Certiorari Settlement**

After a brief discussion, Councilman Waszkiewicz moved the adoption of the following

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Resolution, seconded by Councilman Butler:

**(RESOLUTION NO. 389 OF 2004)**

**RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct Attorney for the Town, Vincent J. Rossi, Jr. to negotiate a reduction in the incremental assessment on the McCraith garage property from Six Hundred Ninety Thousand Dollars (\$690,000) to Six Hundred Thousand Dollars (\$600,000).

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

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

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

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 390 OF 200.)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss collective bargaining for the Police Department.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media and Town Clerk, were then excused from the meeting at 10:20 P.M.

**END OF EXECUTIVE SESSION**

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

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**(RESOLUTION NO. 391 OF 2004)**

**RESOLVED** that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

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

The Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 11:18 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made and seconded, the meeting adjourned at 11:19 P.M.

*Respectfully submitted,*

*Gail Wolanin Young, CMC/RMC*  
*Town Clerk*