

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT BUTLER MEMORIAL HALL IN THE VILLAGE OF NEW
HARTFORD ON WEDNESDAY, FEBRUARY 16, 2005 AT 7:00 P.M.**

In the absence of the Town Supervisor who was on vacation, Deputy Supervisor Backman 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:

Deputy Town Supervisor/Councilman Donald C. Backman
Councilman John C. Waszkiewicz III
Councilman David W. Butler
Councilman Richard B. Woodland, Jr.

ABSENT: Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS:

Codes Enforcement Officer Gerald F. Back
Deputy Town Clerk I Margaret M. Jones and Deputy Town
Clerk II Nancy E. Kneller
Director of Senior Services M. Eileen Spellman
Dispatch Telecommunicator Supervisor Jeffrey Madden
(Arrived at 8:15 P.M.)
Highway Superintendent Roger A. Cleveland
Police Chief Raymond Philo (Arrived at 7:10 P.M.)

OTHERS: Attorney Vincent Rossi, Jr. (Arrived at 7:05 P.M.)

Thereafter, a quorum was declared present for the transaction of business. In the absence of the Town Clerk who was recuperating from surgery, Deputy Town Clerks Jones and Kneller were present to record the proceedings.

MINUTES APPROVAL

February 2, 2005 Town Board meeting

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

(RESOLUTION NO. 47 OF 2005)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the minutes of the *Regular* Town Board meeting held *February 2, 2005* 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 Butler	-	Aye
Councilman Backman	-	Aye
Councilman Woodland	-	Aye
Supervisor Humphreys	-	ABSENT.

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

PUBLIC PRESENTATIONS

Utica Transit Authority (UTA) Merger – Central New York Regional Transportation Authority (CNYRTA)

Nicholas Laino, New Hartford’s UTA representative, gave a status report on the merger. An agreement has been made that Oneida County will be the acting agency on behalf of the municipalities involved. Mr. Laino distributed a “Mortgage Tax Summary Report” for Town Board review. The Town of New Hartford would be generating the most Mortgage Receipt Tax in comparison with the other municipalities shown on the report. All transit authorities have a mortgage receipt tax as per Mr. Laino. According to the Utica Transit Authority, bus runs within the Town of New Hartford have increased over the past two (2) years. One of the Town Board’s concerns is that should the Transit Authority decide to decrease runs in the Town of New Hartford, the Town Board should be notified of this fact. If the runs are reduced, then the Town believes that their contribution to the Authority should be proportionately reduced. Mr. Laino explained that the UTA will meet on February 12, 2005, and he will bring the Town’s concerns up at that meeting. Deputy Town Supervisor/Councilman Backman stated that his concern is if runs are reduced then people who depend on this service will ultimately be inconvenienced. Mr. Laino has spoken with the Executive Director of CNYRTA, who assured him that before any runs are cut or decreased a thorough investigation is done. CNYRTA does monitor runs to see if changes need to be made either reducing runs or increasing runs. Councilman Waszkiewicz asked for clarification of the mortgage receipt tax; it is Mr. Laino’s understanding that the Mortgage Receipt Tax is going to be put into a fund to help sustain the Utica Transit Authority, but he will get clarification of this fact and report back to the Town Board. Councilman Waszkiewicz asked if CNYRTA could put on a connecting run from Herkimer to Syracuse and perhaps increase the transportation network that way. One problem with this situation, CNYRTA cannot cross the routes of private transportation lines. When Mr. Laino was in Syracuse, there was discussion regarding this service. Attorney Rossi inquired as to the relevance of the Mortgage Receipt Tax. The Town will be paying a local share of Thirty Thousand Dollars (\$30,000) and the Mortgage Receipt Tax would be additional revenue for transportation. Attorney Rossi reported that the assistant to the County Executive stated

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that the County was reluctant to put the wording in the Contract that the Town of New Hartford would like added. The Attorney for the Town continued that the Town wants the same level of service that every other municipality will be receiving. Again, Mr. Laino did not see any problem with the Town's request. Deputy Town Supervisor/Councilman Backman would like the language in the Contract, which the Attorney for the Town has already drafted. The Town should have the ability to be able to withdraw. Mr. Laino stated that the signed Contract is due by March 1, 2005. Mr. Laino will serve as the middleman and will speak with the County of Oneida tomorrow regarding the Town's requested addition to the Contract and then will report to Attorney Rossi. Councilman Waszkiewicz is not one hundred percent (100%) locked in to having the language changed in the contract, but stated that perhaps an addendum could be added to the Contract regarding the Town of New Hartford issues. It was the consensus of the Board that Mr. Laino will voice the Town's concerns at the meeting tomorrow and will report back to the Board at the next meeting.

Nathanial Richmond of 30 Woodberry Road inquired as to whether the Mortgage Receipt Tax is a flat fee or a percentage. It was explained that the tax is a percentage based on the sale of the house. This Tax will not end; it is a continuous tax, which is added to a purchaser's mortgage.

REPORTS OF TOWN OFFICIALS

POLICE CHIEF:

Nuisance Abatement Laws

At the February 16, 2005 Board Meeting, nuisance abatement was discussed. This legislation would hold a landlord responsible to supervise their tenants. Chief Philo would like to form a Committee to look into Nuisance Abatement Laws, which could help the police with regards to repeated offenses on certain residential properties. Many homes in the Town of New Hartford are older homes and are being purchased and then rented out, which is one cause for an increase in this type of offense. Chief Philo has sample legislation from other municipalities and stated that this law is used successfully in the City of Utica, Rome and the Town of Colonie. Chief Philo requested that the Town Board formally appoint a committee to look into this matter. It was the consensus of the Board that Chief Philo, Councilmen Waszkiewicz and Woodland, Codes Enforcement Officer Gerald Back and a Village of New Hartford representative be on this Committee. The Committee will come back to the Town Board at some point with their recommendations.

Noise Ordinance

Councilman Waszkiewicz asked Chief Philo if the Committee could also look into a Noise Ordinance while they are reviewing this matter. The Chief agreed to review the Noise Ordinance.

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HIGHWAY SUPERINTENDENT:

Part-Time Position – Planning Department

Highway Superintendent Cleveland stated that there is a line item in the budget for a part-time employee to work in the Planning Department, and he asked consent from the Town Board to fill this position. The Highway Superintendent has had meetings with the Town to get a scope work qualifications for this position to send over to the Personnel Office. Deputy Town Supervisor/Councilman Backman didn't remember a line item for a part-time employee in the Planning Department; there is a line item in the budget for a part-time data collector for the Assessor's Office. While the Board reviews the Budget, consensus was given to the Highway Superintendent to continue to move forward to get a title and classification for this position.

Appointments - Seasonal Highway Laborers

The Highway Superintendent presented the following names for approval as seasonal summer Highway laborers: Evan Rossi, Byron Rich, Christopher Roberts and Michael Shaw are all returning employees and he recommended an hourly pay of Eight Dollars and Twenty-Five Cents (\$8.25). There is another individual, Keith Barringer, who would be a new employee at the rate of Eight Dollars (\$8) per hour. All of these people would have a start date of May 1, 2005. Councilman Waszkiewicz recalled that something was done at budget time regarding the hourly wages of part-time employees. Councilman Butler remembers that a certain level was established but believes that it was mainly for the Parks Department and not Highway. Councilman Waszkiewicz asked the Deputy Clerk to check previous minutes regarding this issue. The Highway Superintendent stated that all of these perspective employees have been approved by County Personnel. Deputy Supervisor/Councilman Backman told the Highway Superintendent that the Town Board would have a decision by the next Town Board Meeting once they have had a chance to check the Budget regarding the wages for these employees.

New Computer Server – Disposal of old Server

The Highway Superintendent stated that the new server for the Sanger Public Works Garage would be completely installed next week and was wondering what he should do with the old one. Councilman Waszkiewicz gave Superintendent Cleveland a brochure on "How To Dispose of Old PCs". Deputy Town Supervisor/Councilman Backman stated that the server should be taken out of service and then held on to for three (3) to four (4) weeks and then bring it here to Butler Memorial Hall and store it where the other Personal Computers are and then the Town will dispose of them at a later date. The Highway Superintendent was advised not to wipe the data off the server.

Higby Road Water District – Water Tank Option

On Friday, February 12, 2005, the Highway Superintendent met with the Mr. Guminiak and with Philip Hale, the latter of whom now understands what he is required to do. Mr.

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Hale will be returning to Town on Monday, February 21, 2005 at which time the Town should receive a communication from the Mr. Guminiak regarding the land. Attorney Rossi stated that the Town is all set to continue with litigation on this matter should the problems with Mr. Hale continue. The metes and bounds description could be ready if Mr. Hale does what he is supposed to do by the next Town Board Meeting, as per Attorney Rossi who will work out the mechanics for this matter.

Subdivision Regulations

The Attorney for the Town and the Highway Superintendent have had conversations on various updates. The Town needs to continue moving on this matter. The Attorney is waiting for the Planner to get Subdivision Regulations to a point where they are ready to enact. There needs to be a committee set up consisting of the Attorney for the Town, the Town Planner and two (2) Councilmen to work on the Subdivision Regulations. There is an annoying problem with the survey maps; some are unacceptable. Deputy Town Supervisor/Councilman Backman questioned the delays in the subdivision updates. Attorney Rossi feels that the Subdivision Regulations need to get enacted. Attorney Rossi will write the Board regarding his comments and will try and have these regulations enacted by the end of March. Attorney Rossi will try to have a meeting with the Planning Board Chairman, Highway Superintendent and one (1) person from the Town Board on the Subdivision Regulations before the March 2, 2005 Town Board meeting.

Comprehensive Plan Update

Councilman Waszkiewicz is also waiting for updates on the Comprehensive Plan. Councilman Waszkiewicz stated that the Comprehensive Plan update, due to circumstances beyond anyone's control, has been delayed again. It will be another six (6) months before the Town has the plan.

Kellogg Road Traffic Study

The Highway Superintendent noticed the Traffic Study listed as part of Councilman Backman's agenda items and wanted the Town Board to know that the developer at the Agway Site is doing a traffic study on Kellogg Road and that the study should be completed by the end of March. The Town would need to coordinate with the Oneida County Department of Public Works on this matter since Kellogg Road is a county highway.

Green Waste and Tree Pick up

The Highway Superintendent stated that he would be meeting on March 8, 2005 with the Citizens Committee to discuss Green waste and tree pick up, which is one of Councilman Waszkiewicz agenda items.

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Curbside Trash Collection Flyers

The Highway Superintendent reported that the 2005 Flyers this year would contain a statement that **Green waste would be accepted from fully developed residential property only.** There is also a clause stating the maximum cubic area accepted at any one time. Also, the Advisory Committee unanimously recommended that Contractors should register with the Town. This matter has been sent to committee for further discussion.

Public Sale – Disposition of Police Vehicle

The Highway Superintendent has received an offer of Eleven Thousand Dollars (\$11,000) from an individual to purchase the 2001 Tahoe. Attorney Rossi believes that the Town should advertise this for sale and try to get a higher price. If the vehicle remains unsold after the ad is placed, then the vehicle could be sold for Eleven Thousand Dollars (\$11,000). There was a long discussion regarding the cost of advertising for a vehicle in the Observer Dispatch and the Attorney for the Town stated that perhaps the Town could advertise in the Pennysaver. It was noted that the Town had already refused one offer of Eight Thousand Dollars (\$8,000) for the vehicle. The Highway Superintendent explained that the vehicle had been placed at the Police Department and at the Highway Garage with “For Sale” signs on it. On February 16, 2005 the Town had received a One Thousand Dollar (\$1,000) check as a deposit on this vehicle. With this added information, the Attorney for the Town said to retract his advice and sell the vehicle. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 48 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the offer of Eleven Thousand Dollars (\$11,000) from Scott Kurdziolek for the purchase of one (1) “surplus” 2001 Chevrolet Tahoe, VIN 1GNEK13V61J27083 and does hereby authorize the sale of said 2001 Tahoe to Mr. Kurdziolek; the sale is “as is” condition and no express warranties or guarantees are implied.

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

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

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

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The Town Board believes that a committee should be established to formulate a policy on disposing vehicles in the future.

Rear-view Video and Audio Cameras – Highway Department trucks

Last week the Advisory Committee had identified a safety mechanism that would be beneficial, and the Highway Superintendent proposed installing six (6) rear-view video and audio cameras in equipment at the Highway Garage to prevent accidents from occurring like the one that recently happened in the Village of Yorkville garage. The Highway Superintendent explained that at nighttime, mirrors prevent the drivers from seeing movement when the vehicles are being used. Deputy Supervisor/Councilman Backman stated that he would like to wait until the Town Supervisor returns before making a decision on this matter. Attorney Rossi asked why these cameras are not being placed on all of the equipment and the Highway Superintendent explained that the vehicles to be equipped are the ones that are most exposed on the street. New Hartford Fire Chief David Reynolds told the Board that this equipment is very valuable. The Highway Superintendent said it would take approximately one month to install the equipment but that there are no moneys available in his budget for this equipment. Councilman Butler, on the recommendation of the Highway Superintendent, presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 49 OF 2005)

WHEREAS, the Advisory Committee on Public Works/Sewers has identified a safety mechanism, which would be beneficial to the safe operation of equipment and the Sanger Public Works Garage; and

WHEREAS, this safety mechanism consist of installing six (6) rearview video/audio cameras in Highway equipment to aid in the prevention of an accident at a cost of Five Hundred Dollars (\$500) each; **NOW THEREFORE BE IT**

RESOLVED that the Town Board of the Town of New Hartford does authorize the purchase of six (6) rearview video/audio cameras, at a cost not to exceed Three Thousand Dollars (\$3,000) to be placed in six (6) Highway vehicles; and be it

FURTHER RESOLVED that the equipment costs will be paid from the Contingency Account line item in the 2005 Town Budget.

Further discussion was held on finding a funding mechanism for this purchase. Councilman Woodland suggested that the money could come from the contingency account. The Highway Superintendent stated that the Deputy Highway Superintendent DeCuffa had spoken with the Town Supervisor Humphreys regarding this matter and the

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Town Supervisor wanted to stay with using the mirrors. The Town Board the voted as follow upon roll call:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Nay
(not opposed to the purchase, but wanted the Supervisor's opinion)		
Councilman Woodland	-	Aye
Supervisor Humphreys	-	ABSENT.

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

TOWN CLERK:

Raffle Consent

Councilman Waszkiewicz introduced the following Resolution for adoption. and duly seconded by Councilman Butler:

(RESOLUTION NO. 50 OF 2005)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Children's Museum, 311 Main Street, Utica, New York 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, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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

Upon roll call, the Town Board voted as follows:

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

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

State Contract – Lease of Photocopier

Upon the recommendation of the Town Clerk, Councilman Butler presented the following Resolution for adoption, seconded by Councilman Waszkiewicz:

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(RESOLUTION NO. 51 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor or, in his absence, the Deputy Supervisor to enter into a four (4) year lease agreement with Arlott Office Products, 820 Charlotte Street, Utica, New York, for a **DSm645 Gestetner [RICOH] Digital Copier**, State Contract Lot No. 1, IFB No. 01649 for the Town Clerk/Registrar's Office at an annual cost of Nineteen Hundred Dollars (\$1900); and be it

FURTHER RESOLVED that this Digital Copier will be included in the Town's annual Service Contract, which the Town of New Hartford presently has with Arlott Office Products.

Upon roll call, the Town Board voted as follows:

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

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

Clarification – Chairmanship Rotation/Committees and Commissions

It is the consensus of the members of the Town Board regarding Resolution No. 43 adopted February 2, 2005, that the Planning Board, Zoning Board and the Board of Assessment Review are also to be included as part of the Rules of Procedures for Special Committees as same relates to Chairmanship rotation.

“Sample” Noise Legislation in Commercial Areas

Two (2) sample legislation will be review by the Nuisance Abatement Law Committee, who will report to the Town Board with its recommendations at a future date.

MATTERS SUBMITTED BY COUNCILMEN AND ATTORNEY

COUNCILMAN BACKMAN:

Agenda items:

- Written Survey – Councilman finalize questions and project date for release. Councilman Backman suggests that this Survey be included in the Park's mailing this Spring. Nathaniel Richmond did not have an objection to this, but he does believe that the survey needs to go out in regular mail. A decision needs to be

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made as to who and how the tabulations will be made from this survey. Councilmen Woodland and Backman are willing to do this tabulation as long as there is no objection from the other Board members. Councilman Waszkiewicz suggested that the Town speak with the Planner to see if there are any issues he feels should be added to help him and the Planning Board to crystallize a comprehensive program. Mr. Richmond suggested that if anyone has any further questions to get the information to him as soon as possible. It was decided to hold off the Park's mailing until after the March 2nd Town Board meeting. Councilman Waszkiewicz will contact the Town Planner and have him get any information that he might want placed on this survey to Mr. Richmond by Monday, February 21, 2005. Councilman Waszkiewicz will also e-mail all department heads tomorrow to see if they have anything they would like to add and to have the information to Mr. Richmond by Wednesday, February 23, 2005.

COUNCILMAN WASZKIEWICZ:

Agenda items:

- Town Questionnaire – Sent to webmaster for the official town website
- Property Assessments listed on the Town Official website – Time line for uploading to web
- Green Waste and Tree Pick-Up – After checking with other Municipalities it seems prudent to consider adjusting our pickup policy to eliminate the distinction between homeowner and contractor, as long as the material is generated from a resident's yard. It seems appropriate to limit the amount that the town would remove at no charge, as well as, to coordinate dates for acceptable road placement – looking for recommendations for Public Works Committee.
- Improve existing Town Offices – Hummel's Written Reports not yet available at time of submission of Agenda items.
- Parks Master Plan Trail System – Mike Jeffrey's Participation in "Healthy Trails, Healthy People" grant program and corresponding organization. Attorney Rossi stated that it is a wonderful idea to do this. Councilman Waszkiewicz reported that the Parks and Recreation Director is very interested in pursuing this initiative. The Board consensus is to continue with this Grant.
- Sample Noise Ordinance – The Nuisance Abatement Committee will review this Ordinance also.
- Resolution requesting Mohawk Valley Water Authority – Approval to use the unused holding ponds in the Southern reservoir system for storm water Management detention basins. This Resolution was discussed with the Highway Superintendent and will be presented at the March 2, 2005 Town Board Meeting.
- Report update from HBMA, PLLC (Don Bataille) – itemized breakdown of the operating cost of town facilities that are currently in use. Attorney Rossi has data

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on utilities. Councilman Waszkiewicz intent on getting operating costs compared where we are now and where we might be going. Councilman Waszkiewicz has not seen an invoice yet. Attorney Rossi thinks that Mr. Bataille never signed the amended Contract by addenda. Attorney Rossi will convey to Mr. Bataille as to what Councilman Waszkiewicz would like to have.

ATTORNEY ROSSI

Kleins All-sport Distributors, Inc. – “Going Out Of Business” Sale

Attorney Rossi explained that Klein’s is still selling merchandise even though their “Going Out Of Business” License expired on February 13, 2005, and they are in violation of State Law. Attorney Rossi spoke with the Police Chief regarding this matter and they could see no reason, at the present time, to proceed with any action. The members of the Board are in complete agreement. A decision was made that Attorney Rossi would send a letter to them explaining that the license has expired and that no refund of their application fee is due the Company.

MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 52 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 5	
Vouchers A308 – A352; A355 – A361	\$ 14,188.20
General Fund Whole-Town Police Abstract No. 5A	
Vouchers A353 and A354	\$ 78.63
General Fund Part-Town Abstract No. 5	
Voucher B22 – B33	\$ 666.20
Highway Fund Part-Town Abstract No. 5	
Voucher DB71 – DB110	\$ 62,828.67
Capital Drainage Account Abstract No. 4	
Voucher HC7 – HC10	\$ 294.76
Sessions Road Project No. 2	
Voucher HM3	\$ 159.13

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Street Lighting Abstract No. 3	
Voucher SL3	\$ 7,589.28
Higby Road Water Tank Abstract No. 2	
Voucher HF2	\$ <u>18,999.52</u>
TOTAL:	\$104,804.39

Upon roll call, the Board members voted as follows:

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

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

NEW BUSINESS:

Empire Zone Boundary Amendment Resolutions from Municipalities

The Oneida-Herkimer Counties Empire Zone Board has requested the Town of New Hartford to adopt a resolution to remove certain property from the New York State Empire Zone Program by March 14, 2005. On the recommendation of the Deputy Supervisor/Councilman Backman, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION 53 OF 2005)

TOWN OF NEW HARTFORD
RESOLUTION OF SUPPORT AND CONCURRENCE
WITH THE ONEIDA HERKIMER COUNTY EMPIRE ZONE
(FORMERLY ECONOMIC DEVELOPMENT ZONE)
REVISION APPLICATION

WHEREAS, New York State has created the Economic Development Zone Program to encourage industrial and commercial development in selected municipalities across the State, and

WHEREAS, Oneida County, as an eligible municipality, received designation of an Economic Development Zone made up of sub-zones including portions of Griffiss Business and Technology Park, the Town and Village of Frankfort, Town of Whitestown, Village of Ilion and Town of New Hartford, and

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WHEREAS, New York State has amended the Zones program to increase benefits and allow additional sub-zones, and

WHEREAS, the Oneida-Herkimer Counties Empire Zone Administrative Board has comprehensively reviewed all property within the existing boundaries of the Zone and has determined the existence of lands within the zone boundaries that are either publicly owned, undevelopable, or have little to no potential for development to maximize utilization of the Empire Zone Program benefits, and

WHEREAS, Oneida county intends to revise the County Economic Development Zone boundaries (now referred to as Empire zones) to encourage industrial and commercial development and to allow for the creation of additional sub-zones, and

WHEREAS, the Town of New Hartford is committed to the development of new business within the Oneida Herkimer County zone, and

WHEREAS, the Town of New Hartford wishes to support and concur with the Empire Zone revision application,

NOW, THEREFORE, be it resolved that the Town of New Hartford Board hereby mutually agrees as follows:

1. The Oneida-Herkimer Counties zone board will recommend to the Town of New Hartford those parcels of land to be withdrawn from the present Zone for inclusion in a "land bank" by passage of this resolution respectively, and subject to New York State authorization and approval, which will become the land resource for future sub-zones in this revision, and
2. The municipalities, which receive sub-zones will, by a resolution respectively, and subject to New York State authorization and approval, establish the sub zones.

NOW, THEREFORE, be it resolved that the boundary of the Oneida-Herkimer Counties Empire Zone, shall be amended to include those properties added or deleted as described in Attachment A, (attached hereto) and

NOW, THEREFORE, be it resolved that the Town of New Hartford Board, in its capacity as governing body of the Town, does hereby support and concur with the Oneida-Herkimer Counties Empire Zone revision application.

Upon roll call, the Board members voted as follows:

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

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

Intermunicipal Agreement – Village of New Hartford Codes Enforcement

The Village of New Hartford had approved the Inter-Municipal Agreement for 2005 wherein the Town would continue to provide Building Code services to the Village, in accordance with the terms and conditions set forth in the initial Agreement entered into for 2003. Thereafter, Councilman Butler presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION 54 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby approve and does hereby authorize and direct the Deputy Town Supervisor to enter into and to execute an Inter-Municipal Agreement with the Village of New Hartford, wherein said Town will provide Building Code services to said Village during Calendar Year 2005 in accordance with the same terms and conditions set forth in the 2003 Inter-Municipal Agreement; a copy of the 2005 Agreement will be filed in the respective Clerks' Offices.

Upon roll call, the Board members voted as follows:

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

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

Stormwater – Oxford Road

Planning Board member Hans Arnold will be contacting the Town Board regarding this issue.

EXECUTIVE SESSION

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

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(RESOLUTION NO. 55 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment history of two (2) Highway Department employees and the employment history of one (1) employee from the Police Department.

A roll call vote ensued:

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

Thereafter, the Resolution was declared unanimously carried and duly adopted. All persons present, including the news media and Deputy Town Clerks, were then excused from the meeting at 8:45 P.M.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 56 OF 2005)

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

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

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

The Deputy Supervisor declared the Resolution unanimously carried and duly adopted; the Executive Session ended at 9:13 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 was adjourned at 9:14 P.M.

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Respectfully submitted,

Margaret M. Jones
Deputy Town Clerk I

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ATTACHMENT A
(RESOLUTION NO. 53 OF 2005)

TOWN OF NEW HARTFORD

Property to be removed:

Judd Road Group LLC	Start	474363.9	4770899.6
Judd Road Group LLC		474393.1	4770939.2
Judd Road Group LLC		474421.1	4770917.5
Judd Road Group LLC		474391.4	4770879.3
Judd Road Group LLC	End	474363.9	4770899.6

