

**REGULAR MEETING OF THE TOWN BOARD OF
THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE KELLOGG ROAD COMMUNITY CENTER
BUILDING IN SAID TOWN ON WEDNESDAY,
JULY 20, 2005 AT 7:00 P.M.**

In the absence of the Town Supervisor who was out of State, Deputy Supervisor/Councilman 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 Supervisor/Councilman Donald C. Backman
Councilman John C. Waszkiewicz III
Councilman Richard B. Woodland, Jr.

ABSENT: Councilman David W. Butler
Supervisor Ralph B. Humphreys

OTHER TOWN OFFICIALS: Assessor Paul Smith (Arrived at 7:05 P.M.)
Deputy Highway Superintendent Anthony DeCuffa
Director of Senior Services Eileen Spellman
Police Chief Raymond Philo (Arrived at 7:30 P.M.)
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones

OTHER: Attorney Vincent J. Rossi, Jr. (Arrived at 8:05 P.M.)

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

MINUTES APPROVAL

June 15 and July 6, 2005 Town Board meetings

Action was tabled until the August 3, 2005 Town Board meeting because the entire Board was not present.

PUBLIC PRESENTATIONS

Octagon Engineering – Cristiano Proposed Road/Building Permit

Al Forte of Octagon Engineering asked the Town Board's approval for the Codes Officer to issue a building permit for homes in a three-lot subdivision recently approved and filed, off Chapman Road and Lindale Avenue. State regulations stipulate that a building permit cannot be issued unless the road is dedicated (built in accordance with Town specifications) and the road hasn't been constructed yet. Mr. Antonio Cristiano would like to wait until the heavy concrete trucks have made all deliveries before completing the road, which is a little "T-road" (about a third of an acre) that the Town would be asked to dedicate in the future. Deputy Supervisor/Councilman Backman asked what assurance

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the Town would have that Mr. Cristiano would build the road in accordance with town specifications and dedicate it. Engineer Al Forte stated that Mr. Cristiano could provide the Town with a Bond or Certified Check to insure that this road would be completed. Deputy Supervisor/Councilman Backman presented two (2) Options - wait until Attorney Vincent Rossi shows at 8 P.M. or leave the papers for the Board to review and to have for further discussion when Attorney Rossi arrives and then the Board will make their decision. Councilman Waszkiewicz inquired if the construction required an MS-4 permit from DEC. Mr. Cristiano's engineer will ask DEC next week when he meets with them. Councilman Waszkiewicz further stated that he doesn't like to see development impeded for something that can be prevented. Further discussion of this matter will be held when Attorney Rossi arrives.

REPORTS OF TOWN OFFICIALS

DEPUTY HIGHWAY SUPERINTENDENT:

Woods Highway Water Project

After the Highway Superintendent returns from vacation, Councilman Woodland will discuss the Woods Highway Water Project with him.

Signs on Town Highway Trucks

Councilman Waszkiewicz asked about the placement of identification signs on the rear of the Highway Department Trucks. A brief discussion ensued with Deputy Superintendent DeCuffa, with no definitive action being taken.

Sessions Road Improvements

Councilman Backman asked Deputy DeCuffa about the completion of this project. This project should be completed by mid to late October was the response.

Sessions Road – Lower Curve

Councilman Backman asked if the brush could be cut back and signs placed on the lower curve on Sessions Road above Mohawk Street. There was a recent accident in this location and a property owner asked the Councilman what could be done. The Deputy Highway Superintendent stated that the brush had been cut back on this portion of Sessions Road, but that it had grown back. The area will be rechecked by the Highway Department.

DIRECTOR OF SENIOR SERVICES:

Senior Picnic

Director Spellman thanked everyone, especially the Parks Department, for their assistance in grilling food, etc. The picnic was a success and everyone had a good time.

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Senior Dance

The Senior Dance will be held on August 10, 2005 at the Senior Center.

Mentoring Program

Due to a scheduling problem with New Hartford Central School, the Adult Dining & Activity Center lost approximately ninety (90) volunteer students; however, there are some volunteers who have come to the Center to continue the program.

ASSESSOR:

Correction to Assessment Roll

Assessor Paul Smith stated that his office located one agricultural exemption, which was calculated twice and given a zero taxable value. The County is giving an option to go back to last year's taxes. The property owner will be notified in writing and will have eight (8) days to respond. The Town taxes involved would be about Three Hundred dollars (\$300) and excluding school and county taxes, which would be due. Upon the recommendation of Assessor Smith, Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 207 OF 2005)

WHEREAS, an error was discovered on the Assessment Rolls regarding an agricultural exemption for property identified as tax map number 339.000-2-1.1, which was calculated twice and given a zero taxable value; and

WHEREAS, the County of Oneida has given the Town of New Hartford the option to collect the prior year's taxes, which amounts to approximately Three Hundred Dollars (\$300); and

WHEREAS, the owner of said property will be notified of this error and will be given eight (8) days to respond;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Hartford does authorize the Assessor to correct the Assessment Roll in order for the Town to collect the 2004-05 for School Taxes and the 2005 Town taxes on this particular property.

Whereupon, the Town Board members voted individually as follows:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye

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Councilman Woodland - Aye
Supervisor Humphreys - ABSENT.

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN BACKMAN:

Agenda items

- Quality of Life Survey – results and discussion; projection display by Nathaniel Richmond from 7:17 P.M. to 7:55 P.M. Councilman Backman stated that its quite obvious there are some things that the Town shouldn't regulate.
 - Begin pride in your neighborhood program – bring back at August 3, 2005 Town Board meeting.
 - Communication for newcomers to the Town who are unfamiliar with resources in Town and county – Councilman Backman would like to start an information page on the Town's website like a welcome wagon – newcomer page. Councilman Backman will work with Cathy Lawrence on this project.
- Disposition of three (3) surplus police cars and discussion on internal use – Police Chief Philo said the Police Department has two (2) vehicles to be retired and he is waiting delivery of two (2) new vehicles, this next week. The Codes Enforcement Officer and Assessor each need a replacement vehicle. The Town needs to dispose of two (2) Jeeps and the old cars, which are presently used by the Codes Officer and Assessor. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 208 OF 2005)

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

Vehicle Make	Vehicle Identification Number
1989 Chevrolet Suburban	1GNER16K2KF179482
1990 Chevrolet Van	1GCCG15Z3178151162
1991 Chevrolet Pick-Up	1GCGS14ZXM2153887
1994 Ford Crown Victoria	2FALP71W6TX167995
1995 Jeep Cherokee	1J4FJ68S4SL507785
1995 Jeep SPT	1J4FJ68SOSL646389
1996 Ford Crown Victoria	2FALP71W2TX167993
1996 Ford Suburban	1FUKE30H9SHB62081

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and does further authorize and direct the Town Supervisor to solicit bids for the public sale of the above-listed surplus vehicles.

Whereupon, the Town Board members voted individually as follows:

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

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

- 501 C 3 New Hartford Foundation vacancy and possible appointment(s) to fill – There are two (2) vacancies but the Foundation may have people willing to serve on the committee. This matter will be brought back to the Board in the near future although the Town Board doesn’t appoint the members.
- Grant writer, Board desire to pursue – also on agenda under Councilman Waszkiewicz. Victor Fariello would like to continue writing grants but he cannot donate all his time; perhaps fixed hourly rate either by budget or retainer could be established. This matter will be tabled for action with the full Town Board.
- Sessions Road reconstruction to start in July 2005 and Sessions Road, lower curve above Mohawk Street, discuss curve signage and cutting back brush on north side to Right Of Way line – This matter was discussed with the Deputy Highway Superintendent.

(NOTE: Attorney Rossi joined the meeting at 8:05 PM)

PUBLIC PRESENTATIONS

Octagon Engineering – Cristiano Proposed Road/Building Permit (continued)

Attorney Rossi had talked to Mr. Forte last week regarding the road dedication for the Antonio Cristiano property and had asked Mr. Forte to e-mail the Board. Attorney Rossi stated that there is approximately sixty (60) feet of roadway involved and he’d asked that a plan be submitted for review. Unless the Codes Enforcement Officer sees a problem with this road dedication, it seems manageable. Will the road be built in accordance with Town specifications? Deputy Supervisor/Councilman Backman stated that Mr. Cristiano has offered to post a bond. Mr. Cristiano feels that while trucks are going in and out of the property, they may deteriorate a paved road. Attorney Rossi stated that the Town might not want to grant building permits before road dedications in the future due to the risk involved of someone building a house and then not completing the roadway. The

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Attorney for the Town stated to the Deputy Town Supervisor/Councilman Backman that the Town would certainly require a Bond from the owner before any building permit would be issued for this property. Attorney Rossi will speak to the Highway Superintendent regarding the Bond amount, which would be needed. Councilman Waszkiewicz stated that stormwater management has been a significant issue on the whole side of that hill in relation to the neighbors and contiguous properties. Councilman Waszkiewicz concern is what is going to happen to the water where the house is being built, the driveway, the road, where does the water go? Al Forte says they went before the Planning Board and incorporated a soil and erosion plan. Attorney Rossi asked if the improvements in the plans been built yet? Al Forte continued by saying they just talked about rock dams. Again, Attorney Rossi asked, "has the system you designed for stormwater been built yet?" Mr. Forte stated that the system would be incorporated as it's being built. The Attorney for the Town directed the Board to see what restrictions have been placed by the Planning Board on the subdivision and then get the dollar amount to complete the work from Highway Superintendent Cleveland. After Attorney Rossi receives this information he will prepare an Agreement to this effect. On the recommendation of Attorney Rossi, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 209 OF 2005)

WHEREAS, Antonio Cristiano has asked the Codes Enforcement Officer to issue a building permit for a house to be erected on an undedicated road in a three-lot subdivision off Chapman Road and Lindale Avenue; and

WHEREAS, Antonio Cristiano and his engineer, Al Forte of Octagon Engineering, are asking the Town Board to review this matter and to authorize the Codes Enforcement Officer to issue a building permit before the road construction and dedication due to the fact that the homeowner and engineer are concerned with the damage that could be caused to the dedicated road by construction trucks traversing the road; and

WHEREAS, Antonio Cristiano will post a Bond or Certified Check in an amount to be determined, as assurance to the Town Board that the road will be built according to Town specifications;

NOW, THEREFORE, BE IT RESOLVED that after Antonio Cristiano completes construction of a turn-around and said turn-around is compliant with Town specifications the Town of New Hartford will accept the road for dedication.

Whereupon, the Town Board members voted individually as follows:

Councilman Waszkiewicz - Aye

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

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

COUNCILMAN WASZKIEWICZ:

Agenda items:

- *Annexation of New York Mills* – Joint meeting rescheduled for August 17, 2005 at 6:00 P.M. at the Kellogg Road Community Center Building. The Town needs to accept the Inkawhich and Benderson petitions and issue a Public Notice of the Annexation. Councilman Waszkiewicz presented the following Resolution for adoption, seconded by Councilman Woodland

(RESOLUTION NO. 210 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby accept the Petitions from Inkawhich and Benderson for the annexation of property to the Village of New York Mills and that a joint meeting with the Village of New York Mills will be held on August 17, 2005 at 6:00 P.M. at the Kellogg Road Community Center Building; and

BE IT FURTHER RESOLVED that the Town Board directs Attorney Vincent Rossi, Jr. to coordinate with New York Mills Village Attorney William Borrill to draft and publish said notices for this Annexation.

The Town Board members voted individually as follows:

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

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

- *Property Assessments listed on the Town's official Website* – press release sent to print media. A meeting has been set with the consultant on Tuesday, July 26, 2005 at 11:00 A.M. in Butler Memorial Hall to discuss format and process for roll purification. A proposed press release will be sent directly to Board members.

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- Recreation path dedication in honor of Philip Rayhill – The Parks Citizen Committee has made recommendations for the plaque and its wording. The tentative cost is not to exceed One Thousand Dollars (\$1,000) per plaque. The Whitestown Supervisor is to discuss their position and involvement and will contact Councilman Waszkiewicz with their official position.
- Grant Writer – Victor Fariello volunteered to do the grant writing for the Dispatch Center for their submission to Utica National Insurance, but he would like to set up a structure, as he can't really continue to donate all of the time on future grants. This matter was deferred and was discussed earlier in the meeting.
- Adopt a Roadway – Pamphlet development in process.
- Budget Process and citizen committees – Establish timeline and process. Believe Board should reach a consensus on re-using last year's timeline. Revised press release to be forwarded to Board members on Friday.
- Discussion on noise restriction/time limitation in construction and heavy equipment – There has been voluntary compliance in certain neighborhoods about time of picking up garbage, etc.; but the Board should consider what to do if there isn't voluntary compliance.
- Oneida-Herkimer Counties Empire Zone Board Review – Councilman Waszkiewicz had information from last meeting, copies of approved minutes.
- ADELPHIA Cable – recent sell-out to Comcast and Time-Warner – When will letter requiring the completion of wiring the Town be sent? Attorney Rossi acknowledged he was to do this but hasn't at this time. Attorney Rossi thought the Town would review and also determine if there's any other items Adelphia hasn't complied with besides failure to wire the Town.
- Town newsletter – Press release for announcing requests for volunteers sent Friday, July 15, 2005 for final approval.
- Parking Ticket Process – fines, penalties, towing and amnesty - The update from Association of Towns hasn't been received
- New signs – entering NEW HARTFORD – Burrstone Road – Judd Road Local – All the Town needs to do is stop at NYS Department Of Transportation office on Chenango Road for guidelines and approval.
- Signage of Town trucks and construction vehicles – Identification Signs for the back of Town Highway Vehicles. The Deputy Highway Superintendent will check out.

COUNCILMAN WOODLAND:

Agenda items:

- Woods Highway Water Project – will discuss with the Highway Superintendent
- Nuisance Abatement Legislation – This matter will be discussed when the full Board is present. Councilmen Backman and Woodland are to meet with the Codes Department.

MATTERS SUBMITTED BY DEPUTY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 211 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, that have been duly audited by the Town Board:

General Fund Whole-Town Abstract No. 25	
Vouchers AA1033-1079; AA1086-1092	\$141,328.83
General Fund Whole-Town (Police) Abstract No. 25-A	
Vouchers AA1080-1085	\$ 66,632.54
General Fund Part-Town Abstract No. 16	
Voucher BB99-106	\$ 25,815.29
Highway Fund Part-Town Abstract No. 15	
Voucher DB 340-356	\$ 32,874.42
Street Light Abstract No. 8	
Voucher SL 8	\$ 6,369.58
Capital Drainage Abstract No. 11	
Voucher HC 47-61	\$ 5,562.13
Higby Road Water District No. 10	
Voucher HF10-12	\$ 33,249.25
Sewer Fund Abstract No. 17	
Vouchers SS57	\$ <u>7.72</u>
TOTAL:	\$311,839.76

Whereupon, the Town Board members voted individually as follows:

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

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

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Sewer Extension – Tibbitts Road

The Town has received a petition for extension of sewers on Tibbitts Road. The Highway Superintendent's recommendation is to proceed and get the engineering information, etc. and bonding. This matter is to be placed on the Agenda for August 3, 2005.

Proposed job description – Bus Driver/Food Service Worker

Councilman Waszkiewicz has a meeting with the bus drivers on Friday, July 22, 2005. This matter will also be placed on the Agenda for the August 3, 2005 Town Board meeting.

Claim Settlement – Damaged Tire

Upon the recommendation of Attorney Rossi, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 212 OF 2005)

WHEREAS, Norman Benton, 9469 Roberts Road, Sauquoit, New York has claimed that he allegedly punctured his back right tire of his automobile on a defective storm water sewer drain cover on June 14, 2005; and

WHEREAS, the Town Clerk's Office filed an Acord Form with the Town of New Hartford's insurance agency; and

WHEREAS, the Trident Insurance Brokerage investigated the Claim and denied payment of the Claim because the facts they had did not indicate liability on the part of the Town of New Hartford and that no prior notice of such defect had been served upon the Town in accordance with Chapter 80 (Liability) of the Town Code;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does authorize Bookkeeper Carol Fairbrother to reimburse Mr. Benton the sum of Forty Dollars (\$40) toward the replacement of the punctured tire.

Town Board members voted individually as follows:

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

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

Higby Road Water District Agreement

Attorney Vincent J. Rossi, Jr. stated that he has received from Burley-Guminiak & Associate the proposed Contracts for the Higby Road Water District for execution; but Attorney Rossi needs to collect the insurance from USMAIL. Attorney Rossi has everything else. On the recommendation of Attorney Rossi, Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION NO. 213 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Deputy Town Supervisor Donald Backman, contingent upon the Attorney for the Town of New Hartford receiving the remaining Certificates of Insurance Liability, to execute the following Higby Road Water District Agreements:

- Contract 1 – Water Distribution System with Bat-Con, Inc.
- Contract 2 – Standpipe Water Storage Tank with Central New York Construction
- Contract 3 – Pump Station General construction with J.E.M. Smith
- Contract 4 – Pump Station Mechanical/Plumbing with J.E.M. Smith
- Contract 5 – Pump Station Electrical with Usmail Electric.

Upon roll call, the Town Board voted as follows:

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

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

2005 Bituminous Concrete Paving

Attorney Rossi stated that Highway Superintendent Cleveland would like to get the Contracts signed in this matter, but Attorney Rossi hasn't received the necessary insurance documents from Barrett Paving's Insurance Company. Attorney Rossi has objected to some wording contained in the Certificate and he will send Liberty Mutual Insurance Company a letter regarding his objection.

Zoning Violations – Ablove – Oneida Street, Chadwicks

Ms. Force, a neighbor of Ablove Auto Place, Oneida Street, Chadwicks, has contacted

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Attorney Rossi. The Board consensus is that Attorney Rossi should hold Abelove to clean up this area. Attorney Rossi stated that the building has not been renovated.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion duly made by Councilman Waszkiewicz and seconded by Councilman Woodland, the meeting was adjourned at 8:55 P.M.

Respectfully submitted,

*Gail Wolanin Young, CMC/RMC
Town Clerk*

*Margaret M. Jones
Deputy Clerk I*