

**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,  
AUGUST 3, 2005 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:** Codes Enforcement Officer Gerald F. Back  
Director of Senior Services M. Eileen Spellman  
Highway Superintendent Roger A. Cleveland  
Telecommunicator Supervisor Jeffrey P. Madden  
Town Clerk Gail Wolanin Young, CMC/RMC  
Town Police Chief Raymond Philo

**OTHERS:** Attorney Vincent J. Rossi, Jr.

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

**REPORTS OF TOWN OFFICIALS**

**DIRECTOR OF SENIOR SERVICES:**

**August 2005 Senior Citizen Activities**

Director Eileen Spellman has arranged for a senior citizen bus trip to the New York State Fair, Syracuse on Monday, August 29, 2005; the cost of the trip is Five Dollars (\$5). Fair admission is free for senior citizens on August 29<sup>th</sup>. This trip will be posted on the Town's Website.

**Proposed job title revision - Bus Driver/Adult Dining & Activity Center**

After discussions among the Director of Senior Services, the Town Supervisor and Councilman Waszkiewicz, the latter of whom serves on the Senior Citizen Standing Committee, consensus was reached not to change the job description of Bus Driver(s) for the senior citizen program. Director Spellman acknowledged that the Bus Drivers have always been willing to assist at the Dining and Activity Center whenever help was needed; she said that if a Bus Driver refuses to help out when not driving, the matter can be addressed at that time. [NOTE: Refer to initial discussion on Page 15 of the July 6, 2005 Town Board minutes.]

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**MINUTES APPROVAL**

**June 15, 2005 Town Board minutes**

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

**(RESOLUTION NO. 214 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 **June 15, 2005** 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 Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

**July 6, 2005 Town Board minutes**

Councilman Butler introduced the following Resolution for adoption, seconded by Councilman Woodland:

**(RESOLUTION NO. 215 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 **July 6, 2005** and does further waive the reading of the same.

The Town Board members voted as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	ABSTAINED, because he
was absent from that meeting		
Supervisor Humphreys	-	Aye

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

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*July 20, 2005 Town Board minutes*

Action was tabled until the August 17, 2005 Town Board meeting.

**REPORTS OF TOWN OFFICIALS (CONT'D)**

**CODES ENFORCEMENT OFFICER:**

**Property Maintenance – 217 Fairway Drive**

After a report from and upon recommendation of Codes Enforcement Officer Gerald F. Back, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

**(RESOLUTION NO. 216 OF 2005)**

**WHEREAS**, the Town of New Hartford had adopted on September 24, 1994 a Local Law regulating property maintenance and which Law prohibits the accumulation of brush, grass, rubbish or weeds on any real property in said Town (Code, Chapter 94); and

**WHEREAS**, the Town Codes Enforcement Officer has received complaints about high grass and weeds upon premises located at 217 Fairway Drive (Tax Map Parcel No. 317.011-3-4), New Hartford, New York owned by Timothy Jones whose last known address is 217 Fairway Drive, New Hartford, New York; and

**WHEREAS**, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said owners via certified mail;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer, through the Parks and Recreation Department, to proceed with mowing the lawn and clearing the property of debris at 217 Fairway Drive and that the costs and expenses incurred by the Town in connection with said proceedings be assessed against the land on which said public nuisance exists; specifically, the Town Board does hereby authorize and direct Oneida County to levy such charges on the 2006 Town and County tax bill.

Upon roll call, the Board members voted as follows:

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

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

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**Training School**

Upon request of Codes Enforcement Officer Gerald Back, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Butler:

**(RESOLUTION NO. 217 OF 2005)**

**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 Gerald F. Back, Codes Enforcement Officer, to attend the New York State Building Officials Annual Conference from September 14 through September 16, 2005 in Alexandria Bay, 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 Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

**HIGHWAY SUPERINTENDENT:**

**Pre-Development Agreement & Memorandum of Understanding – Walgreen’s Pharmacy**

Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Butler seconded same:

**(RESOLUTION NO. 218 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement and Memorandum of Understanding between the Town of New Hartford and **HDL Property Group, 7085 Manlius Center Road, East Syracuse, New York 13057** wherein said **HDL Property Group** offers to contribute Fees In Lieu of Mitigation totaling Twelve Thousand Five Hundred Ninety-five Dollars and Fifteen Cents (\$12,595.15), as per the conditions of said

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Pre-Development Agreement, as same relates to construction of a 14,820 square foot *Walgreen's Pharmacy* [Town Tax Map No. 317.013-3-10 thru 12; 317.013-3-21.1; Village Tax Map No. 317.013-1-35 thru 38] 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	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

**Pre-Development Agreement & Memorandum of Understanding – Former Herkimer County Trust Bank, Commercial Drive**

Upon recommendation of the Highway Superintendent, Councilman Butler introduced the following Resolution for adoption and Councilman Woodland seconded same:

**(RESOLUTION NO. 219 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement and Memorandum of Understanding between the Town of New Hartford and the **Judd Road Group II, LLC, 609 W. Genesee Street, Syracuse, New York 13204** and address) wherein said **Judd Road Group II, LLC** has offered to contribute Fees in Lieu of Mitigation, as per the conditions of said Pre-Development Agreement, totaling the sum of Thirteen Thousand Eight Hundred Nine Dollars and Fifty-six Cents (\$13,809.56) as same relates to the conversion of the former Herkimer County Trust Bank [Tax Map No. 328.008-1-8.2] on Commercial Drive into retail use 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	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

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**Pre-Development Agreement and Memorandum of Understanding – Parkview Estates Mobile Home Park**

Upon recommendation of the Highway Superintendent, Councilman Woodland introduced the following Resolution for adoption and Councilman Backman seconded same:

**(RESOLUTION NO. 220 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement and Memorandum of Understanding between the Town of New Hartford and ***Fifth Garden Park LTD, 29 Knapp Street, Stamford, CT 06907*** wherein said ***Fifth Garden Park LTD*** has offered to contribute Fees In Lieu of Mitigation, as per the conditions of said Pre-Development Agreement, totaling the sum of Twenty-five Thousand Three Hundred Fifty Dollars (\$25,350) as same relates to development of the final three (3) acres [Tax Map No. 328.000-3-18], Phase III-A of Parkview Estates Mobile Home Park to include twelve (12) mobile home sites and construction of a new roadway from the existing Parkview Drive and connecting to Middlesettlement Road, all within the Seneca Turnpike-Commercial Drive Generic Environmental Impact Study boundary area, ***contingent upon the Highway Superintendent confirming that the Town Planning Board has approval the permanent access road for this development.***

Board discussion included the exact location of the permanent access road to the final twelve (12) sites; Highway Superintendent Cleveland stated that the New York State Department of Transportation and Oneida County Department of Public Works had signed off on the road's location prior to the Town Planning Board granting approval on the location at Middlesettlement Road, a county highway. He will confirm Planning Board action. Thereafter, the foregoing Resolution was duly put to a vote upon roll call:

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

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

**Pre-Development Agreement & Memorandum of Understanding – Eckerd's Pharmacy**

Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Butler seconded same:

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**(RESOLUTION NO. 221 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to execute a Pre-Development Agreement and Memorandum of Understanding between the Town of New Hartford and ***Randall Benderson 1993-1 Trust and Richard Franco, 570 Delaware Avenue, Buffalo, NY 14202*** wherein said ***Randall Benderson 1993-1 Trust and Richard Franco*** have offered Fees in Lieu of Mitigation, as per the conditions of said Pre-Development Agreement, totaling Twenty-five Thousand Six Hundred Twenty-two Dollars and Eighteen Cents (\$25,622.18) as same relates to construction of an ***Eckerd's Pharmacy*** [Town Tax Map No. 317.013-3-14, 15 and 18.4; Village Tax Map No. 317.013-2-2 and 3] adjacent to the intersection of Commercial Drive (NYS Route 5A) and Henderson Street 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	-	Aye
Councilman Woodland	-	Aye
Councilman Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

**Agreement – Engineering Services/Eckerd's Pharmacy**

Upon recommendation of the Highway Superintendent, Councilman Waszkiewicz introduced the following Resolution for adoption and Councilman Butler seconded same:

**(RESOLUTION NO. 222 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an ***Agreement*** for Engineering Services for the ***Eckerd's Pharmacy, Commercial Drive at Henderson Street***, said Agreement between the Town of New Hartford (party of the first part), Randall Benderson 1993-1 Trust and Richard Franco (parties of the second part), and Alan M. Swierczek, P.E. (party of the third part). The scope of the project shall require Alan Swierczek to provide to the Town engineering services on an “as-needed” basis associated with the construction phase observation of site construction work of a new retail center, as more fully defined in said Agreement. The engineering consultants’ fee shall be paid for by the parties of the second part.

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

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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**.

**Agreement – Snow and Ice Control on County Roads**

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

**(RESOLUTION NO. 223 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct the Town Superintendent of Highways and the Town Supervisor to enter into and to execute an Agreement with the County of Oneida, by and through Dennis S. Davis, Deputy Commissioner, County Department of Public Works, 6000 Airport Road, Oriskany, New York, for the control of snow and ice on County Roads for the Snow Season dating from November 1, 2005 through April 30, 2006, and as more fully set forth in an Agreement on file in the New Hartford Town Clerk's Office.

The Highway Superintendent noted that Oneida County had increased the reimbursement amount to the Town from \$3,150 per mile to \$3,350 per mile. The foregoing Resolution was duly put to vote upon roll call, which resulted as follows:

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**.

**Sewer Extension – Tibbitts Road**

Having received a petition from some Tibbitts Road residents who asked for the preliminary cost to extend the existing sewers to their property, the Highway/Sewer Superintendent – using the Paris Road sewers as an example – and having discussed the matter with Planner Kurt Schwenzfeier, arrived at a rough cost well over \$1,000 per year per property without a grant or loan – the cost could increase/decrease depending on rock encountered, pumping station, vacant land, developed land, etc. The Board directed the



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Highway/Sewer Superintendent to forward this information to the petitioners and await their response.

**Sessions Road – Site Distance**

In response to Councilman Backman’s agenda item, the Highway Superintendent responded that “curve” advisory signs have been posted and vegetation trimmed to the highway right of way along the curve on Sessions Road, above Mohawk Street; and as soon as Sessions Road is paved, the area will be reviewed for possible posting of speed.

**2005 Bituminous Concrete Paving Project**

In response to Councilman Backman’s agenda item, Highway Superintendent Cleveland reported that he would be meeting August 4, 2005 with Attorney Rossi to obtain all bonds and insurance certificates from Barrett Paving Materials after which a Notice to Proceed will be issued.

**Policy – Repair of Town Vehicles**

Councilman Backman initiated discussion on another of his agenda items, that being complaints he’s received from some auto repair businesses in the Town who allegedly aren’t contacted or invited to quote on repair of Town vehicles; he would like to institute policy that each auto repair business in Town be invited in writing to bid on the repair work, thus providing each business equally an opportunity to bid **unless** the vehicle is to be repaired using in-house staff at the Sanger Public Works Garage. After Town Board discussion, it was their consensus to initiate this policy immediately.

**TOWN CLERK:**

**Temporary Appointment - Dog Enumerator (Laborer)**

Upon recommendation of the Town Clerk, the following Resolution was offered for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

**(RESOLUTION NO. 224 OF 2005)**

**WHEREAS**, a vacancy exists in the position of Dog Enumerator (Laborer) as a result of the verbal resignation of Paula Mariano for medical reasons;

**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby appoint Teresa A. Wolcott to fill said vacancy, effective Monday, August 8, 2005, at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

A roll call vote ensued:

Councilman Waszkiewicz - Aye

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

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

**MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY**

**COUNCILMAN BACKMAN:**

**Agenda Items**

- *Pride in our Neighborhoods Program*, update and ideas from Board members – after reviewing the Quality of Life survey results, Councilman Backman believe the Town shouldn't regulate certain things such as signs, lawn mowing, etc. He would like to institute a program to dispel anger in neighborhoods so that people can solve problems together ... a program instituted by Town showing that the Town cares and wants to help keep up the properties and solve problems. Board discussion...some areas have homeowner associations.
- *Welcome Wagon, information sheet on website for newcomers, update* – some information posted on the Town's Website but would like more information on Town services offered vs service organizations

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

**(RESOLUTION NO. 225 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby authorize and direct that the Town's Website address be printed on Town of New Hartford stationery effective immediately.

Upon roll call, the Board voted as follows:

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

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

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- Sessions Road, corner above Mohawk, cut back to ROW for visibility and updated curve signage – discussed under Highway Superintendent's report
- Repaving schedule, start and completion dates - discussed under Highway Superintendent's report
- Assessment update, results of GAR meeting and board discussion –
- Property tax exemptions for volunteer firefighters (status/update from Attorney and Assessor) – Attorney Rossi reported that work needs to be done on the volunteer firefighter exemption legislation; he will obtain a copy of Oneida County's Local Law in this regard.
- Higby Road Water District exemption – Discussion ensued on possible exemption of the DeBlois and Giotto properties and the Heron Landing subdivision from debt service, based upon a June 7, 2005 letter from Engineer Robert Guminiak. Attorney Rossi will contact Robert Guminiak to determine how a credit would be done, some type of method and what Mr. Guminiak proposes on all three (3); put on agenda for August 17, 2005 Town Board meeting

### **REPORTS OF TOWN OFFICIALS (CONT'D)**

#### **TELECOMMUNICATOR SUPERVISOR:**

##### **Dispatcher Certification**

Telecommunicator Supervisor Jeffrey Madden reported that Dispatcher Craig Burnop has achieved APCO certification after attending courses sponsored by the Association of Public-Safety Communications Officials International, Inc.; he also received a \$2,000 training grant from APCO and has received additional training on his own time. Supervisor Madden is hopeful that Dispatcher Burnop will become a trainer for other Town Dispatch employees.

##### **Alarm Systems - Malfunction**

After discussion among the Town Board members, Telecommunicator Supervisor and Police Chief, the Police Chief believed it would be poor public relations to penalize and to issue appearance tickets to property owners' whose alarm systems unintentionally are set off.

##### **Competitive Bids – Emergency/Standby Power System (Generator, Transfer Switch and Installation)**

Discussion ensued among the Board members and Telecommunicator Supervisor about the specifications for this project. Although a particular vendor had been consulted and said their company could generate generic specifications, the specifications did not end up that way. Attorney Rossi recommended obtaining two (2) quotes from professional engineers for the cost of preparing specifications. Thereafter, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Butler:

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**(RESOLUTION NO. 226 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby reject all bids received Friday, July 29, 2005 for the following projects:

- Emergency/Standby Power System – Generator Set
- Emergency/Standby Power System – Transfer Switch
- Installation of the Generator and Transfer Switch

and does hereby authorize and direct the Town Clerk to return all Bid Bonds submitted by the bidders; and be it

**FURTHER RESOLVED** that two (2) quotes from professional engineers be solicited for preparation of specifications for the above-referenced projects and that the Town receive sealed proposals at a time and date to be determined once the specifications are completed.

Attorney Rossi will meet with Telecommunicator Supervisor Madden in this regard. Thereafter, a roll call vote was duly held and resulted as follows:

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

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

**TOWN POLICE CHIEF:**

**Grants**

The Police Chief reported that the Town Police Department has received the following grants:

- \$9,000 Tracks Grant (electronic ticketing)
- \$25,000 Secure Our Schools Grant for three (3) school districts in the Town.

**Training School**

Upon request of Police Chief Philo, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Butler:

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**(RESOLUTION NO. 227 OF 2005)**

**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 Juvenile Aide Officers Richard Salamone and C. Edward Schmidt to attend the New York State Juvenile Aide Officers Conference the weekend of July 22, 2005 in Albany, 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 Butler	-	Aye
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

**Traffic Study – Valley View Road-Cascade Drive area**

Councilman Waszkiewicz had discussed with Highway Superintendent Cleveland a possible traffic study or analysis of traffic coming from Utica, up Valley View Road to Cascade Drive and he asked that the Police Chief meet with the Highway Superintendent about this. The current speed limit is 30 miles per hour but there may be site distance issues at the Cascade Drive intersection.

**COUNCILMAN WASZKIEWICZ:**

**Agenda Items**

- Annexation-New York Mills – Joint meeting at 6:00 P.M. on August 17, 2005 at the Kellogg Road Community Center Building.
- Property Assessments – Meeting with Consultant on July 26, 2005 at 11:00 AM in Butler Hall. First consensus of Committee was not to start data collection at this time, but to stay aware of the equalization rate set by the State. If our rate were to fall to the low 90's or high 80's, should consider the data collection phase.
- Recreation path dedication in honor of Philip Rayhill – The Parks Citizen Committee has made recommendations for the plaque and its wording. Tentative cost not to exceed \$1,000.00 per plaque. Whitestown Supervisor is still

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- discussing their position and involvement and will contact Councilman Waszkiewicz with their official position. Table this matter.
- Grant Writer – Victor Fariello has volunteered to do the Grant writing for the Dispatch Utica Mutual submission, but he would like to set up some structure as he can't really continue to donate all of the time on future grants. Discussion; talk to Mr. Fariello about number of hours he would be available in a year. Councilman Waszkiewicz will also contact the O'Connell group from western New York.
  - Adopt-a-Roadway – Pamphlet development in process. Copy sent to Councilman Backman for the Pride in Neighborhood initiative.
  - Budget Process and Citizen Committees – Establish time line and process. Councilman Waszkiewicz believes that the Town Board reached a consensus on re-using last year's time line. Revised press release to be forwarded to Town Board members Friday.
  - Discussion on noise restriction/time limitation in Construction and heavy equipment – Councilman Waszkiewicz forwarded the New York Mills Ordinance to the Codes Standing committee and requested Codes Officer Gerald Back obtain other communities' legislation for the Standing Committee's consideration and recommendation.
  - Oneida-Herkimer Co. Empire Zone Board Review – The Board is being officially dissolved and the new Board, Oneida County Empire Zone Board is to convene, Aug. 16, 2005.
  - Adelphia Cable – Attorney Rossi forwarded a letter requesting the estimated time on wiring the Town; he distributed e-mail correspondence from Time Warner, saying we would hear from Adelphia); subsequently Adelphia seemed to admit (page 2) that they promised to cable Mallory and Sessions Roads and are willing to do so within 45 days.
  - Town News Letter – Press release for announcing requests for Volunteers sent Friday, 7-29-05 to the OD and Webmaster.
  - Parking ticket process – Fines, Penalties, Towing and Amnesty - Update from Association of Towns not in at time of Agenda submission.
  - New Signs – Entering NEW HARTFORD – Burrstone Road – Judd Road Local – All we need to do is stop at DOT Chenango Road for guidelines and approval.
  - Signage of Town trucks and Construction vehicles, identify on back of vehicles – need an update from the Highway Superintendent
  - Senior Center Bus Drivers – Job description to remain the same, each daily run will be considered to be 1 and ½ hour each way (3 hours pay a day), with the Wednesday library run to be an additional 1 hour pay. The bus is to be either enroute or remain at the senior center or the town Highway Department. All bus drivers are willing to help out Eileen when requested.

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**COUNCILMAN WOODLAND:**

- Woods Highway Water Project Status – Councilman Woodland had discussed this with the Highway Superintendent prior to this Board meeting

**MATTERS SUBMITTED BY TOWN SUPERVISOR**

**FINANCIAL:**

**Audit of Vouchers**

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

**(RESOLUTION NO. 228 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. 26 Vouchers AA1093-AA1097	\$ 3,685.28
General Fund Whole-Town Abstract No. 27 Vouchers AA1098-AA1141; AA1147-AA1153; AA1155-AA1156	\$ 54,517.56
General Fund Whole-Town (Police) Abstract No. 27A Vouchers A1142-AA1146; AA1154	\$ 23,439.08
General Fund Part-Town Abstract No. 17 Voucher BB107-BB108	\$ 2,336.69
Highway Fund Part-Town Abstract No. 16 Voucher DB357	\$ 9,000.00
Highway Fund Part-Town Abstract No. 17 Voucher DB358-DB377	\$ 25,618.94
Sewer Fund Abstract No. 18 Voucher SS58-SS64	\$ 4,487.84
Capital Drainage Abstract No. 12 Voucher HC62-HC66	\$ 785.68
Higby Road Water District No. 11 Voucher HF13	\$ 34,873.94
Higby Road Water District No. 12 Vouchers HF14	\$ 25.65
<b>TOTAL:</b>	<b><u>\$158,770.66</u></b>

Whereupon, the Town Board members voted individually as follows:

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

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

**Special Committee – Resume for appointment**

The Town Supervisor acknowledged receipt of a letter from James Lawrence who would like to serve on the citizens’ Assessment Committee.

**State Grant Applications – Park Improvements**

The Town Supervisor received official notice from the State that the Town’s applications for a splash pad at the Donovan Memorial Park and an outdoor skating rink adjacent to the Recreation Center had not been approved.

**EXECUTIVE SESSION**

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

**(RESOLUTION NO. 229 OF 2005)**

**RESOLVED** that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Jerome Donovan appeal filed under the Freedom of Information Law for attorney work product relating to the Preswick Glen Municipal Services Agreement and which documents had been denied to Mr. Donovan.

A roll call vote ensued:

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	Aye
Councilman Woodland	-	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 10:11 P.M.

[NOTE: The following information was provided by the Town Supervisor on Thursday, August 4, 2005.]



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**END OF EXECUTIVE SESSION**

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

**(RESOLUTION NO. 230 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 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 10:30 P.M. The regular portion of the Town Board meeting was immediately reconvened.

**FOIL Appeal – Jerome Donovan**

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

**(RESOLUTION NO. 231 OF 2005)**

**WHEREAS**, on June 21, 2005 the Freedom of Information Access Officer received a request from Jerome F. Donovan for "...copies of the case law, opinion of counsel and court case..." referring to Attorney Rossi's November 12, 2003 teleconference detailed on an invoice to the Town; and

**WHEREAS**, on June 24, 2005 and July 5, 2005 Attorney Rossi denied access to the requested documents which constitute attorney work product/attorney-client privilege; and

**WHEREAS**, on July 25, 2005 Jerome F. Donovan filed an Appeal of the denial with the Freedom of Information Access Officer, which Appeal had been discussed in Executive Session at the Regular Town Board meeting held August 3, 2005;

**REGULAR TOWN BOARD MEETING**

**August 3, 2005**

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**NOW, THEREFORE, BE IT RESOLVED** that the New Hartford Town Board does hereby uphold the denial of the requested documents based upon their constituting attorney-client privilege/work product.

Upon roll call, the Town Board members voted as follows:

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

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

**ADJOURNMENT**

There being no further business to come before the Town Board, upon motion duly made by Councilman Woodland and seconded by Councilman Butler, the meeting was adjourned at 10:35 P.M.

**Respectfully submitted,**

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