

**REGULAR TOWN BOARD MEETING OF THE
TOWN OF NEW HARTFORD, NEW YORK HELD AT THE
KELLOGG ROAD COMMUNITY CENTER BUILDING IN
SAID TOWN ON WEDNESDAY, AUGUST 17, 2005 AT 6:50 PM**

The Town Supervisor called the meeting to order at 6:50 P.M., with the Pledge of Allegiance having been said at the Joint Public Hearing between the Town Board and the New York Mills Village Board at 6:00 P.M. The roll was taken with the following Town Officials/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: Highway Superintendent Roger A. Cleveland
Telecommunicator Supervisor Jeffrey P. Madden
Town Clerk Gail Wolanin Young, CMC/RMC and
Deputy Town Clerk I Margaret M. Jones
Town Police Chief Raymond Philo

OTHERS: Attorney Vincent J. Rossi, Jr. (Arrived 7:35 PM)

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

MINUTES

July 20 and August 3, 2005 Town Board minutes

Action was tabled until the September 7, 2005 Town Board meeting.

REPORTS OF TOWN OFFICIALS

TOWN CLERK:

Raffle Consent

The following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Woodland:

(RESOLUTION NO. 232 OF 2005)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Central New York Community Arts Council, Inc., 261 Genesee Street, Utica, New York, an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at the Sangertown Square Mall, New Hartford, New York, in accordance with all rules and regulations of said Racing and Wagering Board; and be it

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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 Waszkiewicz stated that he is a member of the Arts Council, but does not feel that this would be a conflict.*

Councilman Woodland - Aye

Councilman Butler - Aye

Councilman Backman - Aye

Supervisor Humphreys - Aye.

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

Raffle Consent

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

(RESOLUTION NO. 233 OF 2005)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Alzheimer's Association of Central New York, 441 West Kirkpatrick Street, Syracuse, New York an organization duly granted a Games of Chance Identification Number by the New York State Racing and Wagering Board, to sell raffle tickets at the 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 Woodland - Aye

Councilman Butler - Aye

Councilman Backman - Aye

Supervisor Humphreys - Aye.

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

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PARKS AND RECREATION DIRECTOR:

Recreation Center – Server Connection

The dial-up server at the Recreation Center has been inoperable for some time and is not worth fixing. The following Resolution was introduced by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 234 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct Parks and Recreation Director Michael Jeffery to make arrangements with Adelphia to have the server connection and associated hardware in the Recreation Center be connected to the Town Park's computer system.

Upon roll call, the Town Board 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**

TOWN POLICE CHIEF:

Police Department Promotions

Supervisor Ralph Humphreys acknowledged the July 6, 2005 promotions of several officers within the Police Department and invited Chief Philo to announce these promotions. Police Chief Philo stated the number of years that each officer has been with the Department and explained about the stringent State and Civil Service qualifications required to be considered for a promotion. The promotions, approved by Civil Service and the Town Board, include:

- Michael Inserra – promoted to Sergeant
- Paul Colburn – promoted to Sergeant
- C. Edward Schmidt – appointed to command the Juvenile Aide Unit

New Hartford Village Trustee John Grygiel and Police Commissioners James Spellman, Patrick Cardinale and Janet Hughes were present for the promotion ceremony.

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ASSESSOR:

Small Claims Assessment Review

Assessor Smith stated that his department received only Twenty-Five (25) Small Claims Assessment grievances this year.

Training

Upon request of Assessor Paul Smith, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

(RESOLUTION NO. 235 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 Assessor Paul Smith to attend the New York State Assessor’s Conference, September 11-14, 2005 in Rochester, 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**.

Volunteer Firefighter Exemption

Assessor Smith stated the Town must perform the administrative work for the exemption on the County tax portion of the Town and County tax bills; and therefore, the Assessor recommended that the Town of New Hartford adopt similar legislation to offer the volunteer firefighters property exemption from Town taxes. Attorney Rossi is working on the legislation.

PUBLIC PRESENTATIONS

Chadwicks Union Free School Reunion Committee

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Paula Mariano, representing the Chadwicks Union Free School reunion committee, asked for Town Board permission to hang a framed portrait of the first Principal of the School, Mary E. Daly, in the Donovan Community Center Building, Elm Street, Chadwicks. The Town Board’s consensus is that Mrs. Mariano is to coordinate this effort with the Highway Superintendent or Michael Coonradt of Buildings and Grounds.

REPORTS OF TOWN OFFICIALS (CONT’D)

HIGHWAY SUPERINTENDENT:

Authorization for Competitive Bid – Leaf Vacuum Machine

Upon request of Highway Superintendent Cleveland, Councilman Butler presented the following Resolution and moved its adoption, which was seconded by Councilman Backman:

(RESOLUTION NO. 236 OF 2005.)

RESOLVED that the New Hartford Town Board shall receive sealed bids for the purchase of one (1) new Leaf Vacuum machine, in accordance with Town specifications; all bids are to be received by the Town Clerk’s Office no later than 10:45 A.M. on Tuesday, September 6, 2005 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

FURTHER RESOLVED that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

The Town Board voted upon 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**.

Authorization for Competitive Bid - Sidewalks

Upon request of Highway Superintendent Cleveland, Councilman Backman presented the following Resolution and moved its adoption, which was seconded by Councilman Butler:

(RESOLUTION NO. 237 OF 2005)

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RESOLVED that the New Hartford Town Board shall receive sealed bids for construction of Sidewalks primarily on Merritt Place and in the Oneida Street area at a cost not to exceed the budgeted amount of Twenty-Thousand Dollar (\$20,000) in accordance with Town specifications; all bids are to be received by the Town Clerk's Office no later than 10:45 A.M. on Wednesday, September 7, 2005 and then shall be publicly opened and read aloud at 11:00 A.M. on said date and in said Office; and be it

FURTHER RESOLVED that the said Town Board hereby authorize and direct the Town Clerk to publish the legal requisite Advertisement-Invitation to Bid in The Observer Dispatch.

The Town Board voted upon 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**.

Training

Upon request of Highway Superintendent Cleveland, the following Resolution was introduced for adoption by Councilman Butler and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 238 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 Highway Superintendent Cleveland to attend the Department of Environmental Conservation and Environmental Facilities Corporation Seminar for funding of sewer and water projects in Watertown, New York on September 14, 2005. There is no cost for this seminar and he was authorized to drive a Town vehicle to the seminar, if needed.

The Resolution was voted upon by roll call as follows:

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

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

“Children At Play” Sign – Grace Terrace

Having been contacted by constituents, Councilman Woodland requested that a “Children At Play” sign be installed on Grace Terrace. The Highway Superintendent stated that pursuant to State regulation that this type of sign should not be installed in an area where the public would not expect to see children at play. The Highway Superintendent did suggest that he would speak to the Chief of Police about moving or turning around a “Children At Play” sign, which was at the former Park on Marley Place.

“Yield Sign” Barley Mow Run

Councilman Butler acknowledged the Highway Superintendent and Police Chief’s on-site inspection at Barley Mow Run and Woodberry Road. The Highway Superintendent and Police Chief recommend legislation be considered to place a yield sign at this intersection. Since no Petitions were received from the public, Councilman Backman believed that property owners on Barley Mow Run and on Woodberry Road, from above #50, should be notified of the Public Hearing; discussion was held regarding this notification and the Town Clerk stated that the Town does not normally notify property owners, only for zoning. Discussion continued about establishment of a policy notifying property owners when there is proposed legislation that has not come before the Board by a petition from the property owners. This policy would not effect new subdivisions. Councilman Waszkiewicz presented the following Resolution for adoption; seconded by Councilman Butler:

(RESOLUTION NO. 239 OF 2005)

RESOLVED that, when legislation is to be presented before the Town Board regarding the addition of a traffic control device, and a petition signed by property owners has not been filed with the Town Board, property owners within five hundred (500) feet of the traffic control device are to be notified, in writing, with a first-class letter of the public hearing regarding the proposed legislation for the traffic control device.

The Resolution was voted upon by roll call as follows:

Councilman Waszkiewicz	-	Aye
Councilman Woodland	-	Aye

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

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

TELECOMMUNICATOR SUPERVISOR:

Bid Specs for Dispatch Emergency/Standby Power System

Telecommunicator Supervisor Madden received a quote from William Bloomer of M & E Engineering, Syracuse, totaling Seventy-Three Hundred Dollars (\$7300) to prepare bid specifications for an Emergency/Standby Power System. After Board discussion, it was consensus to receive Requests For Proposals (RFP) rather than competitive bid. The Telecommunicator Supervisor will contact the Town Clerk about the procedure for the RFPs.

Insurance Recovery – Dispatch Center Lightning Strike

Telecommunicator Supervisor Madden reported that the Town was reimbursed Twenty-One Thousand Six Hundred Four Dollars and Twelve Cents (\$21,604.12), after a Two Hundred Fifty Dollar (\$250) deductible was met for the Lightning Strike Damage at the Dispatch Center on June 10, 2005.

MATTERS SUBMITTED BY COUNCILMEN/ATTORNEY

COUNCILMAN WASZKIEWICZ:

Agenda items –

- **Parking ticket Amnesty Program** – Change of fines and implementation of penalties, input from Association of Towns sent to Board members August 11, 2005. A discussion was held on the possible use of a collection agency for outstanding parking tickets
- **Recreation path dedication in honor of Philip Rayhill** – the Parks Advisory Committee has made recommendations for the plaque and its wording; tentative cost not to exceed \$1,000 per plaque. Whitestown Supervisor is still discussing their position and involvement and will contact Councilman Waszkiewicz with their official position
- **Grant Writer** – Victor Fariello still wants to write grants but someone needs to meet with him to set up an hourly rate. Supervisor Humphreys is to contact Mrs. Madden to meet with Councilman Waszkiewicz the week of August 21, 2005
- **Adopt-A-Roadway** – Pamphlet development is in process; copy sent to Councilman Backman for “Pride in Neighborhood” initiative

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- Budget Process and Citizen Committees – Establish time line and process. Believe the Town Board reached consensus on re-using last year's time line. Review additional applicants and schedule meetings
- Discussion on noise restriction/time limitation in construction and heavy equipment – the New York Mills Ordinance has been sent to the Codes Standing Committee and Codes Officer Gerald Back has been asked to obtain legislation from other communities for the Committee's consideration/recommendation
- Oneida-Herkimer Counties Empire Zone Board Review – New Zone Board convened August 16, 2005. Will forward to the Clerk paperwork regarding the New Board
- ADELPHIA Cable – Supervisor Humphreys has been attempting to contact Time Warner to no avail
- Town Newsletter – press release posted in the Observer Dispatch and Webmaster; Town received one application. Councilman Waszkiewicz will contact the applicant and will get back to the Board.
- Planning consultant interview to discuss
 - Subdivision Regulations – needs to be completed
 - Update of Comprehensive Plan – needs to be completed
 - Green Space Initiatives -
 - GEIS –
- New – “Entering New Hartford” – Burrstone Road – Judd Road Local – Town representative needs to pickup written guidelines for approval from the NYS Department of Transportation, Chenango Road office
- Review Judd Road and peripheral road signs with Villages of New York Mills, Whitesboro, Yorkville and Town of Whitestown for unified recommendation to NYS Department of Transportation – discussed after Annexation Public Hearing, will do a bus drive-by
- Traffic Study Scheduled for Cascade Drive and Higby Road

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 240 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:

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General Fund Whole-Town Abstract No. 28	
Vouchers AA1157-AA1205;	
Vouchers AA1227-1244	\$182,116.61
General Fund Whole-Town (Police) Abstract No. 28A	
Vouchers AA1206-AA1226	\$ 9,817.06
General Fund Part-Town Abstract No. 18	
Vouchers BB109-BB116	\$ 1,146.36
Highway Fund Part-Town Abstract No. 18	
Vouchers DB378-DB391	\$ 18,214.31
Sewer Fund Abstract No. 19	
Vouchers SS65-SS66	\$ 864.28
Street Lighting Abstract No. 9	
Voucher SL9	\$ 6,383.24
Capital Drainage Abstract No. 13	
Vouchers HC67-HC76	\$ 9,576.23
	TOTAL:
	\$228,118.09

Whereupon, the Town Board members voted individually as follows:

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

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

Resumes – Planning Board Membership

Town Supervisor Humphreys submitted two (2) resumes for the Planning Board. Incumbent member Ronald Morelle has been a “hold-over” due to medical problems and the resumes were from Margaret Rotton and Al Forte. The matter was tabled until the Board members can review the resumes and also have an opportunity to speak with the Chairman of the Planning Board.

Building Permit Refund

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

(RESOLUTION NO. 241 OF 2005)

WHEREAS, Neil Eberley of Eberley Construction Co., Inc., 16 Devereux Lane, Whitesboro, New York had applied for a Building Permit and other associated permits

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relating to the construction of a one-family residence on Lot 12 Henderson Street, Tax Map No. 317.013-3-12 for Mr. Inkawhich; and

WHEREAS, Mr. Inkawhich has changed his plans and contractors since the July 2005 permits had been issued;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board hereby authorizes the Bookkeeper Carol Fairbrother to refund Five Hundred Eighty Dollars (\$580) to Eberley Construction Co., Inc. for reimbursement of the following fees:

- \$480.00 Building Permit No. 4414 (now voided)
- \$ 50.00 Certificate of Occupancy No. 1508 (now voided)
- \$ 50.00 Sewer Permit No. 5640 (now voided).

Whereupon, the Town Board members voted individually as follows:

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

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

EXECUTIVE SESSION

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

(RESOLUTION NO. 242 OF 2005)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Higby Woodlands and the Joseph & Michele Corasanti Tax Certioraris.

A roll call vote ensued:

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

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Thereafter, the Resolution was declared unanimously carried and duly *ADOPTED*. All persons present, including the news media, were then excused from the meeting at 8:47 P.M.

END OF EXECUTIVE SESSION

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

(RESOLUTION NO. 243 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 9:12 P.M. The regular portion of the Town Board meeting was reconvened at 9:12 P.M.

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 9:13 P.M.

Respectfully submitted,

Gail Wolanin Young, CMC/RMC
Town Clerk

Margaret M. Jones
Deputy Town Clerk I