

**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, SEPTEMBER 7, 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 taken with the following Town Officials/Department Heads being present during progress of the meeting:

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

ABSENT: Councilman David W. Butler

OTHER TOWN OFFICIALS: 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 (Arrived 9:04 PM)

OTHERS: Attorney Vincent J. Rossi, Jr. (Arrived 7:34 PM)

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

MINUTES

July 20, 2005 Town Board minutes

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

(RESOLUTION NO. 244 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 20, 2005** and does further waive the reading of the same.

Upon roll call, the Board members voted as follows:

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

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

August 3 and August 17, 2005 Town Board minutes

Action on these minutes was deferred until the September 21, 2005 Town Board meeting.

PUBLIC PRESENTATIONS

Municipal Service Agreement (MSA) - Preswick Glen

Jerome Donovan referred to a July 2005 Supreme Court ruling, comparing it to the Preswick Glen project, that the Middletown Erie Station adult home was subject to NYS Real Property taxation and rejected the home's request for a 100% property tax exemption based on state law and previous court rulings.

Patrick Tyksinski suggested that if the Town Board submitted a written request versus a verbal request, they would probably receive an opinion from the State and he suggested the Town Board might consider reviewing the Preswick Glen MSA.

Councilman Backman recommended that the July 2005 court determination submitted by Mr. Donovan be referred to Attorney Vincent Rossi, Jr. for his review and opinion.

[NOTE: Attorney Rossi joined the meeting at 7:34 P.M.]

After some discussion, Councilman Waszkiewicz introduced the following Resolution for adoption; seconded by Councilman Backman:

(RESOLUTION NO. 245 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby refer to Attorney Vincent J. Rossi, Jr. for his perusal and report to the Town Board, a copy of the New York State Supreme Court decision (#4842-01) involving the Erie Station adult home in the City of Middletown, NY.

A roll call vote was duly held as follows:

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

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

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Thereafter, Councilman Waszkiewicz offered the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 246 OF 2005)

RESOLVED that the Town of New Hartford conduct a public informational meeting with Presbyterian Home Executive Director Raymond Garrett, or other Presbyterian Home representative, to address – based upon substance of the July 1, 2005 NYS Supreme Court ruling (#4842-01) – whether their Preswick Glen project fulfills the requirements of Real Property Tax Law, Section 420-a.

The Board members then voted upon roll call:

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

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

Public Safety – Oxford & Tibbitts Road

Neil Pritchard asked that the Town Board consider a stoplight or caution light at the Oxford-Tibbitts Road intersection due to the number of motor vehicle accidents at that location, three (3) of which occurred this past summer. Supervisor Humphreys explained that both roads are owned by and under the jurisdiction of Oneida County who may have to be consulted. Councilman Backman suggested that the Police Department records be reviewed to determine if a high statistical accident rate exists at this location. The Highway Superintendent and Police Chief will jointly work on this.

REPORTS OF TOWN OFFICIALS

DIRECTOR OF SENIOR SERVICES:

Appointment – Part-time Clerk

Upon request of Director of Senior Services Eileen Spellman, the following Resolution was introduced for adoption by Councilman Backman and duly seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 247 OF 2005)

WHEREAS, Robin Sherman will be leaving the Town’s employment at the New Hartford Adult Dining & Activity Center, thereby creating a vacancy in a Part-time Clerk

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position for that Department;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby appoint Nancy Constantine to fill the vacancy of Part-time Clerk at the Dining & Activity Center, effective Tuesday, September 13, 2005 at an hourly wage of Seven Dollars and Seventy-five Cents (\$7.75), payable bi-weekly.

Personnel Assistant Barbara Aiello and the Oneida County Personnel Department had reviewed Ms. Constantine’s application. The Town Clerk then polled the Board members who voted as follows:

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

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

HIGHWAY SUPERINTENDENT:

Award of Competitive Bid - Leaf Vacuum Machine

Joe Johnson Equipment submitted the sole bid submitted on September 6, 2005 for a new Leaf Vacuum Machine; the Fourteen Thousand Nine Hundred Dollar (\$14,900) quote includes a spare propeller; however, a signed Non-Collusion Statement had not been included in the quote. The Highway Superintendent had faxed the company a specification packet and at the same time advised the company to obtain a specification package from the Town Clerk, which wasn’t done. Highway Superintendent Cleveland now presented a signed Non-Collusion Statement, asking Attorney Rossi if the document is appropriate to accept. Since no other vendor obtained specifications and/or submitted bids, Attorney Rossi determined it would be appropriate to accept the signed document. Thereafter, upon recommendation of Highway Superintendent Cleveland, Councilman Backman and Councilman Woodland:

(RESOLUTION NO. 248 OF 2005)

WHEREAS, the Town Superintendent of Highways did, on the 7th day of September, 2005, duly recommend the purchase of certain equipment pursuant to the provisions of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the

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County Superintendent of Highways, one (1) ODB Leaf Vacuum Machine, pursuant to Town specifications, from Joe Johnson Equipment (USA), Inc., 77 Oriskany Drive, Tonawanda, New York 14150, for a maximum aggregate price of Fourteen Thousand Nine Hundred Dollars. (\$14,900), delivered at the Sanger Public Works Garage, 111 New Hartford Street, New Hartford, New York, by October 7, 2005.

A contract for the Leaf Vacuum Machine purchased shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon delivery of said Leaf Vacuum Machine, the Town Supervisor shall pay the amount of Fourteen Thousand Nine Hundred Dollars (\$14,900) from budgetary appropriations for purchase of equipment.

A roll call vote ensued:

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

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

Award of Competitive Bid - Sidewalk Construction

The following bids were received September 7, 2005 for Sidewalk Construction in the Town:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate #1</u>	<u>Alternate #2</u>
Central Paving Herkimer, NY	\$16,171	\$5,350	\$2,250.
Christopher Roberts Masonry Clayville, NY	\$22,499	\$6,600	\$3,469
Edgebrook Construction Marcy, NY	\$18,480	\$7,380	\$2,250

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

(RESOLUTION NO. 249 OF 2005)

WHEREAS, the Town Superintendent of Highways did, on the 7th day of September, 2005, duly recommend the purchase of certain improvements pursuant to the provisions

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of Section 142 of the Highway Law;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize the Town Superintendent of Highways to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, and with the approval of the County Superintendent of Highways, the construction/rehabilitation of certain sidewalks in the Town from Central Paving, Herkimer, New York, the low bidder, for a maximum aggregate price of Eighteen Thousand Four Hundred Twenty-one Dollars (\$18,421) which includes their Base Bid of Sixteen Thousand One Hundred Seventy-one Dollars (\$16,171) and Alternate No. 2 in the amount of Two Thousand Two Hundred Fifty Dollars (\$2,250).

A contract for the sidewalk construction shall be duly executed in triplicate between the Town Superintendent of Highways and such vendor and when approved by the County Superintendent of Highways, it shall become effective. When the contract has been executed and approved, and upon installation of the sidewalks, the Town Supervisor shall pay the amount of Eighteen Thousand Four Hundred Twenty-one Dollars (\$18,421) from budgetary appropriations for sidewalk construction.

Upon roll call, the Board members voted as follows:

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

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

HIGHWAY SUPERINTENDENT, CODES OFFICER, POLICE CHIEF:

Proposed Local Law – Town Code, Chapter 113 [Vehicles & Traffic]

Councilman Waszkiewicz introduced the following legislation for the Town Board’s consideration at a future meeting, co-sponsored by Councilman Backman:

**TOWN OF NEW HARTTORD, NEW YORK
LOCAL LAW INTRODUCTORY “A” OF 2005**

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by establishing additional Through Streets (Section 113-40) and additional Stop Streets (Section 113-41) in the Applewood Mobile Home Community.

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BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Annie's Way	Patricia Drive	Northwest	Stop Sign
Annie's Way	Norma Drive	Southeast	Stop Sign
Susan Drive	Patricia Drive	Northwest	Stop Sign
Susan Drive	Norma Drive	Southeast	Stop Sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Norma Drive	Northwest	Susan Drive/Annie's Way
Patricia Drive	Southeast	Susan Drive/Annie's Way

SECTION 3. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Proposed Local Law – Town Code, Chapter 113 [Vehicles & Traffic]

Councilman Woodland introduced the following legislation for the Board's consideration at a future Town Board meeting; co-sponsored by Councilman Waszkiewicz:

TOWN OF NEW HARTTORD, NEW YORK
LOCAL LAW INTRODUCTORY "B" OF 2005

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by establishing additional Through Streets

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(Section 113-40) and additional Stop Streets (Section 113-41) in the Thomas Acres Development.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Fawncrest Blvd	Haverhill Drive	East	Stop Sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Haverhill Drive	West	Fawncrest Boulevard

SECTION 3. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Proposed Local Law – Town Code, Chapter 113 [Vehicles & Traffic]

Councilman Backman introduced the following legislation for the Town Board’s consideration at a future meeting; co-sponsored by Councilman Waszkiewicz:

**TOWN OF NEW HARTTORD, NEW YORK
LOCAL LAW INTRODUCTORY “C” OF 2005**

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by establishing additional Through Streets

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(Section 113-40) and additional Stop Streets (Section 113-41) in the White Tail Meadows Development.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Kay Circle	Florence Court	West	Stop Sign
Kay Circle	Florence Court	Southwest	Stop Sign
Oneida Street	Kay Circle	West	Stop Sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-41, is hereby amended to include the following:

Section 113-41. Schedule VII: Stop Intersections.

<i>STOP SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Florence Court	South	Kay Circle
Florence Court	Southeast	Kay Circle
Kay Circle	East	Oneida Street

SECTION 3. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Proposed Local Law – Town Code, Chapter 113 [Vehicles & Traffic]

Councilman Waszkiewicz introduced the following legislation for the Town Board’s consideration at a future meeting; co-sponsored by Councilman Woodland:

TOWN OF NEW HARTTORD, NEW YORK
LOCAL LAW INTRODUCTORY “D” OF 2005

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A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by establishing an additional Through Street (Section 113-40) and a Yield Intersection (Section 113-42) in the Woodberry Hills Development.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 113 of the Code of the Town of New Hartford, Section 113-40, is hereby amended to include the following:

Section 113-40. Schedule VI: Through Streets.

<i>NAME OF THROUGH STREET</i>	<i>NAME OF ENTRANCE STREET</i>	<i>DIRECTION FROM WHICH ENTERING</i>	<i>TRAFFIC CONTROL DEVICE</i>
Woodberry Road	Barley Mow Run	Southeast	YIELD sign

SECTION 2. Chapter 113 of the Code of the Town of New Hartford, Section 113-42, is hereby amended to include the following:

Section 113-42. Schedule VIII: Yield Intersections

<i>YIELD SIGN ON</i>	<i>DIRECTION OF TRAVEL</i>	<i>AT INTERSECTION OF</i>
Barley Mow Run	Northwest	Woodberry Road

SECTION 3. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 4. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

Proposed Local Law – Town Code, Chapter 118 [Zoning]

Councilman Waszkiewicz introduced the following legislation for consideration at a future Town Board meeting; co-sponsored by Councilman Backman:

TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY “E” OF 2005

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A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, by adding Re-inspection Fees in Section 118.93.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 118 of the Code of the Town of New Hartford is hereby amended as follows:

Section 118-93. Fees:
D. Miscellaneous

Add:

(12) Re-inspection Fees

- First Inspection \$ 25.00
- Second Inspection \$ 50.00
- Third Inspection \$100.00

A Re-inspection Fee is payable in the following circumstances:

- a) When a request is made for inspection, an inspector responds to the site and the work is not ready to be inspected
- b) When an inspection is made, corrective measures are directed by the inspector, a schedule established for re-inspection, re-inspection (free of charge) made but defective work is not properly corrected and a still further inspection is necessitated
- c) When an approved plan is deviated from in the field, the deviation is discovered by an inspector and re-inspection is necessitated to confirm that the work conforms to the original plan
- d) When work is performed in phases and more than one inspection is required before the work is corrected, a maximum \$25.00 charge would apply to this type of inspection.

SECTION 2. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

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SECTION 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Proposed Local Law – Town Code, Chapter 56 [Dogs and Pets]

Councilman Woodland introduced the following legislation for the Board’s consideration at a future meeting; co-sponsored by Councilman Backman:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY “F” OF 2005**

A Local Law to amend the Code of the Town of New Hartford, **Chapter 56** thereof entitled **DOGS AND PETS**, by increasing the penalties for offenses, Section 56-6.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 56 of the Code of the Town of New Hartford, Section 56-6, is hereby amended as follows:

Section 56-6. Penalties for offenses

Replace Subparagraphs A. and B. with the following:

- A. An offense against any provision of this Chapter shall be punishable as follows:
 - 1. For a first (1st) offense, by a fine up to One Hundred Dollars (\$100)
 - 2. For an offense committed within five (5) years of a conviction for any offense under this Chapter, a fine up to Two Hundred Fifty Dollars (\$250)
 - 3. For an offense committed within five (5) years of two (2) earlier convictions for any offense under this Chapter, a fine up to Five Hundred Dollars (\$500) and imprisonment for up to ten (10) days.

SECTION 2. All other provisions of Chapter 56 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State.

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Proposed Local Law – Town Code, Chapter 113 [Vehicles & Traffic]

Councilman Waszkiewicz introduced the following legislation for consideration by the Town Board at a future meeting; co-sponsored by Councilman Backman:

**TOWN OF NEW HARTFORD, NEW YORK
LOCAL LAW INTRODUCTORY “G” OF 2005**

A Local Law to amend the Code of the Town of New Hartford, Chapter 113 thereof entitled **VEHICLES AND TRAFFIC**, by adding a new Section 113-31.1, increasing the penalties for parking violations.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

SECTION 1. Chapter 113 of the Code of the Town of New Hartford is hereby amended as follows:

ADD:

Section 113-31.1 Penalties for parking violations

Every person convicted of a violation of any of the provisions of Article III of this Chapter entitled *Parking, Standing and Stopping* shall be subject to a fine of Twenty-five Dollars (\$25). In the event the parking summons is not paid within ten (10) days of issuance, the fine shall be Forty Dollars (\$40).

The Chief of Police of the Town of New Hartford is hereby authorized to prescribe forms for use in issuing summonses for parking violations in accordance with this Chapter.

The penalty set forth in this Section is in addition to any penalty authorized by any State Statute including, but not limited to, the Vehicle and Traffic Law of the State of New York

SECTION 2. All other provisions of Chapter 113 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall become effective on December 1, 2005.

Public Hearing – Local Laws Introductory “A” through “G” of 2005

Councilman Waszkiewicz offered for adoption the following Resolution, duly seconded by Councilman Backman:

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(RESOLUTION NO. 250 OF 2005)

RESOLVED that the New Hartford Town Board shall conduct a Public Hearing to commence at 8:00 P.M. on Wednesday, October 5, 2005 in Butler Memorial Hall (Community Room), 48 Genesee Street, New Hartford, NY to consider amending the Town Code by adopting the following legislation:

Local Law Introductory "A" – Chapter 113, stop signs in Applewood Community
Local Law Introductory "B" – Chapter 113, stop signs in Thomas Acres
Local Law Introductory "C" – Chapter 113, stop signs in White Tail Meadows
Local Law Introductory "D" – Chapter 113, yield intersection in Woodberry Hills
Local Law Introductory "E" – Chapter 118, Zoning/re-inspection fees
Local Law Introductory "F" – Chapter 56, increased fines/dogs and pets
Local Law Introductory "G" – Chapter 113, increased fines/parking tickets

and be it

FURTHER RESOLVED that the Town Board does hereby authorize and direct the Town Clerk to publish the legal requisite notice relating thereto in The Observer Dispatch.

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

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

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

HIGHWAY SUPERINTENDENT (CONT'D)

Agreement – Engineering Service for Road Improvements

Upon recommendation of the Highway Superintendent, Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 251 OF 2005)

WHEREAS, the Highway Superintendent has been investigating the acquisition of some industrial access monies to reconfigure and improve the Woods Highway-Seneca

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Turnpike intersection, with the possibility of connecting it to the Judd Road Extension (NYS Route 840); and

WHEREAS, it is necessary to obtain engineering costs for such an endeavor;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute a not-to-exceed Twenty-seven Hundred Dollar (\$2700) Agreement for Engineering Services with Shumaker Engineering, the latter of who will conduct a study and determine cost estimates for the Town.

Highway Superintendent Cleveland suggested that the cost of such study could be paid from the Fees In Lieu of Mitigation Account. Whereupon, a roll call vote resulted as follows:

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

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

Easement Agreement – Higby Road Water District

After some discussion and considering that time is of the essence in starting construction of the Higby Road Water District, Councilman Backman introduced the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. 252 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Town Supervisor to enter into and to execute an Easement Agreement with the Sitrin Healthcare Center, as presented by the Town Supervisor and as same relates to the construction of the Higby Road Water District.

Attorney Rossi had reservations about site line requirements. The foregoing Resolution was voted upon by roll call, resulting as follows:

Councilman Waszkiewicz	-	Nay
Councilman Butler	-	ABSENT
Councilman Backman	-	Aye
Councilman Woodland	-	Aye

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Supervisor Humphreys - Aye.

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

Real Property Contribution (Sitrin Home) – Higby Road Water District

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

(RESOLUTION NO. 253 OF 2005)

WHEREAS, the Higby Road Water District was formed in response to documented deficiencies in the quality and quantity of water produced from area wells, the anticipated growth in the eastern sector of the Town and to improve fire-fighting capabilities; and

WHEREAS, a portion of the proposed infrastructure for the District improvements are required to be installed on lands currently owned by the Sitrin Home; and

WHEREAS, the Sitrin Home Board of Directors realizes the value of these improvements in that they improve the quality of life of District property owners, and improve conditions for providing emergency services; and

WHEREAS, in light of these benefits, the Sitrin Home has supported the District formation and its proposed improvements, and in addition, is contributing a portion of the land necessary for the District's new infrastructure;

NOW, THEREFORE, BE IT RESOLVED that the New Hartford Town Board, on behalf of the property owners of the District, does hereby recognize and commend the Sitrin Home as being an integral and important part of the life of the Town; and be it

FURTHER RESOLVED that the New Hartford Town Board does thank the Sitrin Home for its support of the District, and for its assistance in reducing District improvement costs through the contribution of land.

Upon roll call, the Board members voted as follows:

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

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

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Miscellaneous Items

- Update of Comprehensive Plan – will be meeting with **peter j smith & associates** regarding a proposal to complete the update of the Town's comprehensive plan. He submitted proposal packages to the Town Board and the Town Planner has begun reviewing the document.
- Tibbitts Road Stormwater Study – received September 6, 2005 the draft final from Shumaker Engineering. Highway Superintendent, Town Engineering and Planning Staff will meet with Shumaker on September 12, 2005 to review the report for a clear understanding.
- Sessions Road Improvement – to Councilman Backman's inquiry, the Highway Superintendent responded that the change over (curve) will be completed by the end of September 2005.
- Cascade Drive-Valley View Road intersection – Motorists exiting Cascade Drive have site distance problem trying to gain access to Valley View Drive per Councilman Waszkiewicz. The Highway Superintendent will consult with the Police Chief on speed enforcement, erection of signs and perform an on-site inspection
- Blind driveway sign for Valley View Road – Highway Superintendent said the Uniform Traffic Law does not provide for such a sign; instead, he believes some mowing of grass and weeds will help the situation.
- Liberty Gardens – no thru street – Councilman Waszkiewicz reported it appears some motorists might be confused with the new Judd Road (NYS Route 840), access ramps to Route 840, closure of Henderson Street bridge, and drive down Aitken Ave into the Liberty Gardens development. The Highway Superintendent and Police Chief will review the area and make a recommendation.

Speed Limit Request – Tilden Avenue

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

(RESOLUTION NO. 254 OF 2005)

RESOLVED that the Town Board of the Town of New Hartford does hereby request the New York State Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a forty-five (45) mile per hour maximum speed at which vehicles may proceed on Tilden Avenue, a Town highway, between the Sitrin Home / Healthcare Center and Higby Road.

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

Councilman Waszkiewicz	-	Aye
Councilman Butler	-	ABSENT

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

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

PARKS AND RECREATION DIRECTOR:

Appointments – Part-time Seasonal Employees

Upon recommendation of the Parks and Recreation Director, Councilman Waszkiewicz introduced the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. 255 OF 2005)

RESOLVED that the New Hartford Town Board does hereby appoint the following individuals to the various part-time seasonal positions and for the hourly wages set opposite their several names, for the Parks and Recreation Department; all wages to be paid bi-weekly:

Recreation Center – A7020.4
Effective: September 12, 2005

NAME	POSITION	RATE OF PAY
Robert Luker	Ice Attendant	\$ 6.00/hour
Joshua Noggle	Ice Attendant	\$ 6.00/hour
Michael Chiellino	Ice Attendant	\$ 6.00/hour
Chris Perra	Ice Attendant	\$ 6.00/hour
Jesse Orton	Ice Attendant	\$ 6.00/hour
Brandyn Blunt	Ice Attendant	\$ 6.00/hour
Wayne Rich	Ice Attendant	\$ 6.00/hour
Jonathan Furgal	Ice Attendant	\$ 6.00/hour

Winter Swim Program – A7230.1
Effective: September 7, 2005

NAME	POSITION	RATE OF PAY
Diane Muller	Pool Director	\$10.92/hour
Anna Wanner	Lifeguard	\$ 7.75/hour
Lauren Dunn	Lifeguard	\$ 7.75/hour
Kevin Dwyer	Lifeguard	\$ 7.75/hour
Sean Dwyer	Lifeguard	\$ 7.75/hour
Brendan Galinn	Substitute Lifeguard	\$ 7.75/hour
Craig Sherman	Boys Locker Attendant	\$ 6.00/hour
Lindsay Mundrick	Substitute Lifeguard	\$ 7.75/hour
Ashley Mundrick	Lifeguard	\$ 7.75/hour

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Playgrounds – A7140.1
Effective: September 10, 2005

<u>NAME</u>	<u>POSITION</u>	<u>RATE OF PAY</u>
Harold Kaffka	Basketball Supervisor	\$13.50/hour.

Whereupon, the Town Board voted upon roll call:

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

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

Training School

Upon request of the Parks and Recreation Director, the following Resolution was introduced for adoption by Councilman Waszkiewicz and duly seconded by Councilman Backman:

(RESOLUTION NO. 256 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 Michael W. Jeffery, Parks and Recreation Director to attend the ***Healthy Kids Leadership Program*** on September 23, 2005 in Camillus, New York, with any associated expenses to be borne by said Town.

The Resolution was voted upon by roll call as follows:

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

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

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Competitive Bid – Donovan Memorial Park Splash Pad Equipment

The splash pad equipment was received September 1, 2005; due to lack of Staff and issues in the budget relating to the Donovan Park tennis courts (loss of sub-grade and dropping in one area), the splash pad equipment will be housed in a heated building until it's installed during Spring 2006. The equipment should be ready for public use by July 1, 2006.

CODES ENFORCEMENT OFFRICER:

Property Maintenance – 9545 Elm Street, Chadwicks

Upon recommendation of the Codes Enforcement Officer, the following Resolution was introduced for adoption by Councilman Backman and seconded by Councilman Waszkiewicz:

(RESOLUTION NO. 257 OF 2005)

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

WHEREAS, the Town Codes Enforcement Officer has received complaints about debris (furniture, discarded toys, etc.) and stagnant water upon premises located at 9545 Elm Street, Chadwicks, NY, identified as Tax Map Parcel No. 350.000-3-43, owned by Paul and Sylvia Jones whose last known address is 2200 Hattonsford Road, Townville, South Carolina 29689; and

WHEREAS, the property appears to be abandoned, and the Codes Enforcement Officer had communicated with said Paul and Sylvia Jones via certified mail, with no response having been received;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the Codes Enforcement Officer to proceed with removal of said debris at 9545 Elm Street, Chadwicks, with the costs and expenses incurred by the Town in connection with said proceedings to 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.

The foregoing Resolution was voted upon by roll call, as follows:

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

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Councilman Woodland - Aye
Supervisor Humphreys - Aye.

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

TELECOMMUNICATOR SUPERVISOR:

Emergency/Standby Power System – Emergency Dispatch Center

Telecommunicator Supervisor Jeffrey Madden thanked the Highway Superintendent for his assistance in preparing the format for Requests for Proposal and the Town Clerk for distributing the RFP's to thirteen (13) vendors by mail on Friday, September 2, 2005. RFP's are returnable on September 16, 2005.

POLICE CHIEF:

Petition for 3-way Stop – Wilbur Road-Orange Ave

Police Chief Philo acknowledged receipt of a petition from some Wilbur Road residents asking that a 3-way stop be established at the Wilbur-Orange Ave intersection to slow down traffic in the neighborhood. A letter was also received from Michele and Michael North in this same regard.

Fiscal – 2005 Budget Transfer

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

(RESOLUTION NO. 258 OF 2005)

RESOLVED that the New Hartford Town Board does hereby authorize and direct the Bookkeeper to make the following 2005 Budget transfers and creation of new accounts:

- **Secure Our Schools Grant**
 - Increase Expenditure Account AA3120.4 - \$12,500.00
 - Establish Revenue Account AA4389.1 - \$12,500.00

- **E-Tracs Grant**
 - Increase Expenditure Account AA3120.4 - \$ 9,320.00
 - Establish Revenue Account AA3389.2 - \$ 9,320.00

- **IMPACT Grant**
 - Increase Expenditure Account AA3120.1 - \$18,000.00
 - Establish Revenue Account AA4389.2 - \$18,000.00.

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

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

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

TOWN CLERK:

Raffle Consent

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

(RESOLUTION NO. 259 OF 2005)

RESOLVED that the New Hartford Town Board does hereby grant permission to the Utica Symphony, Inc., 505 Henry Street, Utica, NY 13502, 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	-	ABSENT
Councilman Backman	-	Aye
Supervisor Humphreys	-	Aye.

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

Training – Zoning Board of Appeals/Kristen Shaheen

In behalf of Zoning Board member Kristen Shaheen, the Town Clerk presented the following Resolution for the Board's consideration; thereafter, Councilman Waszkiewicz introduced the Resolution for adoption, seconded by Councilman Woodland:

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(RESOLUTION NO. 260 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 Kristen Shaheen, Member of the Zoning Board of Appeals to attend a one-day seminar on **ZONING, SUBDIVISION AND LAND DEVELOPMENT LAW** sponsored by Lorman Education Services on October 21, 2005 in Syracuse, New York, with expenses to be borne by said Town.

The Board members were polled as follows:

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

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

Training / Membership – Oneida County Association of Towns

Councilman Woodland offered the following Resolution for adoption, seconded by Councilman Backman:

(RESOLUTION NO. 261 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 the following Town Officials to attend the Oneida County Association of Towns quarterly dinner meeting on September 20, 2005 in Camden, New York, with expenses to be borne by said Town as budgeted:

- Town Supervisor Ralph B. Humphreys
- Highway Superintendent Roger A. Cleveland.

A roll call vote ensued:

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

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

MATTERS SUBMITTED BY COUNCILMEN

COUNCILMAN WASZKIEWICZ:

Agenda Items:

- Traffic Study; Cascade Drive-Valley View Road sign and blind driveway; Tilden Road speed; Liberty Gardens Street signage – no thru street – discussed under Highway Superintendent
- Grant Writer – J. T. O’Connell requested consideration to represent the Town in its pursuit of available grants
- Recreation path dedication in honor of Philip Rayhill – Parks Citizen Committee has made recommendations for the plaque, wording, tentative cost not to exceed \$1,000 per plaque. Whitestown Supervisor continues to discuss their position and involvement and will contact Councilman Waszkiewicz
- Budget Process and Citizen Committees – Establish time line and process; believe Town Board reached consensus on using last year’s time line. Additional applicants for committees: Carolyn Zyla Berwald (Assessments), Robert Armstrong and Daniel Callan (Budget). Schedule meetings
- Town News Letter – Press release posted in the Observer Dispatch; applications being reviewed
- Oneida-Herkimer Counties Empire Zone Board Review – New Oneida County Empire Zone Board –
- Noise restriction/time limitation in construction and heavy equipment – brief mention
- Planning consultant peter j smith & associates – meet with Committee and will be submitting a proposal to finalize the update of Town Master/Comprehensive Plan and review Parks Master Plan for findings on park green space proposal
- New – Entering NEW HARTFORD – Burrstone Road – Judd Road (NYS 840) Local – Town needs to stop at Chenango Road NYS Department of Transportation (DOT) office for guidelines/approval process
- Review of Judd Road (NYS Route 840) and peripheral road signs – with Villages of New York Mills, Yorkville and Whitesboro and Town of Whitestown. Update State DOT map and finalize multi-municipal resolution.

MATTERS SUBMITTED BY TOWN SUPERVISOR

FINANCIAL:

Audit of Vouchers

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

(RESOLUTION NO. 262 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. 29 Vouchers AA1245-AA1250; AA1390	\$ 13,818.48
General Fund Whole-Town Abstract No. 30 Vouchers AA1251-AA1335; AA1434-AA1435	\$ 870.00
General Fund Whole-Town (Police) Abstract No. 30A Vouchers AA1395-AA1429	\$ 34,917.54
General Fund Whole-Town Abstract No. 31 Vouchers AA1336-AA1389; AA1391-AA1394; Vouchers AA1430-AA1433; AA1436	\$ 62,547.90
General Fund Part-Town Abstract No. 19 Vouchers BB117-BB125	\$ 2,794.21
Highway Fund Part-Town Abstract No. 19 Vouchers DB392-DB410	\$ 29,868.65
Highway Fund Part-Town Abstract No. 20 Vouchers DB411-DB437	\$ 2,700.00
Sewer Fund Abstract No. 20 Vouchers SS67	\$ 627.36
Sewer Fund Abstract No. 21 Vouchers SS68-SS71	\$ 2,955.09
Street Lighting Abstract No. 10 Voucher SL10	\$ 6,692.62
Higby Road Water Tank Abstract No. 12 Vouchers HF15-HF16	\$ 20,280.32
Capital Drainage Abstract No. 14 Vouchers HC77-HC85	\$ 11,706.21
TOTAL:	\$189,778.38

Whereupon, the Town Board members voted individually as follows:

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

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

ADELPHIA Cable TV Franchise – Service Improvements

The Town Supervisor reportedly met with a Time Warner representative who, after reviewing the current franchise agreement for cable television service in the Town, agreed to honor all agreements the Town had with **ADELPHIA**. **ADELPHIA** has now wired Neal’s Gulf Road and will wire upper Mallory Road to the Town line within thirty (30) days.

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 10:07 P.M.

Respectfully submitted,

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